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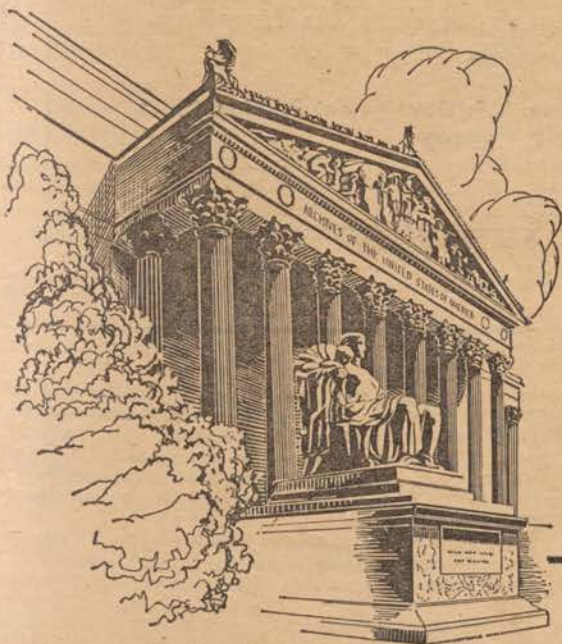
Tuesday, August 27, 1968 • Washington, D.C.

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Employees' Compensation Bureau
Executive, Legislative, and Judicial
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the title of a position under Schedule C is changed. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Chemistry and Materials), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), and (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 8521, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-10331; Filed, Aug. 26, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that a second position of Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) of § 213.3315 is amended as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(14) Two Assistants to the Special Assistant to the Secretary, Office of Legislative Liaison.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-10332; Filed, Aug. 26, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart B—Conduct and Responsibilities of Employees

MISCELLANEOUS AMENDMENTS

Subpart B is amended in several respects by reason of the revocation of Part 734 and amendment of Part 735 of Civil Service Regulations. The introductory text to § 0.735-14 is amended to include reference to State or local governments. Paragraph (c) of § 0.735-14 is deleted in its entirety. The introductory text of § 0.735-17 is amended to include provision for the special preparation of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service. Paragraph (e) of § 0.735-17 is deleted in its entirety. These amendments are set out below.

§ 0.735-14 Outside employment and activities—general.

No employee of the Department shall perform or be engaged in any work or activity on his own behalf, or for private individuals, firms, companies, organizations, institutions, or State or local governments:

(c) [Deleted]

§ 0.735-17 Teaching, lecturing, and writing.

It is the policy of the Department to grant permission to employees to teach, lecture, or write, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, when such duties will not interfere with the effective discharge of the employee's official duties, provided:

(e) [Deleted]

These amendments were approved by the Civil Service Commission on July 30,

1968, and are effective on publication in the FEDERAL REGISTER.

ORVILLE L. FREEMAN,
Secretary.

AUGUST 21, 1968.

[F.R. Doc. 68-10320; Filed, Aug. 26, 1968; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 252, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674, and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

Order. as amended. The provisions in paragraph (b) (1) (ii) of § 908.552 (Valencia Orange Regulation 252,

33 F.R. 11585) are hereby amended to read as follows:

§ 908.552 Valencia Orange Regulation 252.

(b) Order. (1) * * *

(ii) District 2: 375,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10319; Filed, Aug. 26, 1968; 8:47 a.m.]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 31, 1968 (33 F.R. 10880). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 946.221 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary for the State of Washington Potato Committee to incur to perform its functions pursuant to Marketing Agreement No. 113 and this part during the fiscal year ending May 31, 1969, and for such other purposes as the Secretary may determine to be appropriate will amount to \$32,103.04.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be two-tenths of 1 cent (\$0.002) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective

time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable potatoes from the beginning of such fiscal year, and (2) the current fiscal year began June 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10345; Filed, Aug. 26, 1968; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 204.4 is amended to read as follows:

§ 204.4 Validity of approved petitions.

The approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification pursuant to Schedule A, 29 CFR Part 60, has been issued covering the alien's profession or occupation, the approval shall remain valid for a period of 1 year from the date of approval, and thereafter continue to be valid for each additional year that the blanket certification is in effect on the anniversary date of the approval of the petition, provided the alien has retained his status as established in the petition. The approval of a petition to classify an alien as a preference immigrant under section 203(a)(6) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification pursuant to Sched-

ule A, 29 CFR Part 60, has been issued covering the alien's occupation, or it is within one of the occupational groups in Schedule C, 29 CFR Part 60, thereof which has been precertified by the Secretary of Labor, the approval shall remain valid for a period of 1 year from the date of approval. The approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) of the Act, or as an immediate relative under section 201(b) of the Act, shall remain valid for the duration of the relationship to the petitioner, and status, as established in the petition. The validity of any petition under this section may be revoked pursuant to the provisions of Part 205 of this chapter prior to the time limitations set forth herein.

2. Subparagraphs (4) and (5) of paragraph (a) and subparagraph (1) of paragraph (b) of § 205.1 are amended and subparagraph (7) of paragraph (a) is deleted to read as follows:

§ 205.1 Automatic revocation.

(a) *Relative petitions.* * * *

(4) Upon a beneficiary accorded immediate relative status as the child of a U.S. citizen reaching the age of 21, except that such petition is valid to accord a status under section 203(a)(1) of the Act if the beneficiary remains unmarried, and a status under section 203(a)(4) of the Act in the event of marriage, for the duration of the relationship, and status, established therein.

(5) Upon the marriage of a beneficiary accorded a status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act, except that such petition is valid to accord a status under section 203(a)(4) of the Act, for the duration of the relationship, and status, established therein.

(7) [Deleted]

(b) *Other petitions.* (1) The beneficiary is an alien seeking classification under section 203(a)(3) or (6) of the Act and is not issued a visa on or prior to the expiration date or period of approval shown on the approved petition.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and are beneficial to persons affected thereby in that they eliminate the need to revalidate certain petitions.

Dated: August 21, 1968.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 68-10317; Filed, Aug. 26, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-WE-6-AD; Amdt. 39-642]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269A, 269A-1, 269A-2, and 269B Helicopters

Amendment 39-337 (32 F.R. 260), AD 67-2-2, as amended by Amendment 39-357 (32 F.R. 3386) requires inspection for cracks of main rotor blades under the root fittings and replacement of blades found cracked on Hughes Model 269A, 269A-1, and 269B helicopters. After issuing Amendment 39-357, the FAA was advised by Hughes Tool Co. that several main rotor blades P/N 269B1145, S/N 1314 and up, and subsequently introduced P/N 269A1131-1 and P/N 269B1145-1 blades, all incorporating the improved fabrication methods, after reaching retirement time were found to have cracks under the root fittings at the outboard bolt hole. Because of the usual scatter in time to crack initiation, other blades of these same part and serial numbers which were not covered by AD 67-2-2 may develop cracks which could grow to hazardous lengths before the blades reach their mandatory retirement times. Further, the Model 269A-2 was omitted from AD 67-2-2 because this model incorporated only blade P/N 269B1145, S/N 1314 and subsequent. Since these additional blades are also suspect, adequate inspection procedures for them must be provided, and the Model 269A-2 must be included.

Therefore, AD 67-2-2 is being superseded by a new AD that combines the requirements of AD 67-2-2 and requires addition of the Model 269A-2 and main rotor blade P/N 269B1145, S/N 1314 and subsequent, and P/N 269A1131-1 and 269B1145-1, all serial numbers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

HUGHES. Applies to Models 269A, 269A-1, 269A-2, and 269B helicopters equipped with main rotor blade P/N 269A1125, all blade serial numbers; P/N 269A1131, all blade serial numbers; P/N 269B1145, all blade serial numbers; P/N 269A1131-1, all blade serial numbers; and P/N 269B1145-1, all blade serial numbers. Compliance required as indicated.

Small cracks have been discovered on several main rotor blades under the blade root fittings, radiating from the outboard bolt hole, upper and lower side of the blade. To

prevent main rotor blade failure due to extension of these cracks under the fittings, unless already accomplished, accomplish the following:

(a) For main rotor blade P/N 269A1125, all serial numbers; P/N 269A1131, all serial numbers; and P/N 269B1145, Serial Nos. 0001 through 1313—

(1) Prior to the accumulation of 210 hours' time in service for main rotor blades having less than 200 hours' time in service on January 16, 1967, and within the next 10 hours' time in service for main rotor blades having between 200 and 1,000 hours' time in service on January 16, 1967, unless already accomplished within the last 390 hours' time in service, and thereafter at periods not to exceed 400 hours' time in service from the date of the last inspection, until a total of 1,000 hours' time in service is reached, inspect in accordance with Hughes Service Information Notice No. N-9.1, dated July 15, 1968, or later FAA approved revision.

(2) For main rotor blades accumulating a total of 1,000 hours' time in service, subsequent to January 16, 1967, and for main rotor blades having 1,000 or more hours' time in service on January 16, 1967, within the next 10 hours' time in service, unless already accomplished within the last 90 hours' time in service, and thereafter at periods not to exceed 100 hours' time in service from the date of the last inspection until the main rotor blade is retired from service, inspect in accordance with Hughes Service Information Notice No. N-9.1, dated July 15, 1968, or later FAA approved revision.

(b) For main rotor blade P/N 269A1131-1, all serial numbers; P/N 269B1145-1, all serial numbers; and P/N 269B1145, serial No. 1314 and subsequent—Prior to the accumulation of 1,025 hours' time in service for main rotor blades having less than 1,000 hours' time in service on the effective date of this AD, and within the next 25 hours' time in service for main rotor blades having 1,000 or more hours' time in service on the effective date of this AD, unless already accomplished within the last 75 hours' time in service and thereafter at periods not to exceed 100 hours' time in service from the date of the last inspection until the main rotor blade is retired from service, inspect in accordance with Hughes Service Information Notice No. N-9.1, dated July 15, 1968, or later FAA approved revision.

(c) Cracked blades must be removed before further flight, marked conspicuously to avoid inadvertent return to service, and replaced with new or serviceable used blades in accordance with (1), (2), or (3) below. Blades listed in (1), (2), and (3) are different types. Do not intermix types (1) or (2) or (3) blades. Main rotor blades, either those originally installed or replacement blades, must meet the requirements of this AD and must be retired from service before they exceed their maximum service life of 1,366 hours' time in service.

(1) Main rotor blade P/N 269B1145 and/or P/N 269B1145-1.

(2) Main rotor blade P/N 269A1131 and/or P/N 269A1131-1.

(3) Main rotor blade P/N 269A1125.

This supersedes Amendment 39-337 (32 F.R. 260), AD 67-2-2, as amended by Amendment 39-357 (32 F.R. 3386).

This amendment becomes effective September 9, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by

this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hughes Tool Co., Aircraft Division, Centinela Avenue and Teale Street, Culver City, Calif. 90230. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

The incorporation by reference provisions in this document were approved by the director of the FEDERAL REGISTER on August 26, 1967.

Issued in Los Angeles, Calif., on August 16, 1968.

A. E. HORNING,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-10309; Filed, Aug. 26, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga.; Charlotte, N.C.; Columbus, Ga. (Muscooke County Airport); McComb, Miss., and Orlando, Fla. (Herndon Municipal Airport), control zones, and the Brunswick, Ga.; Columbus, Ga.; Cross City, Fla.; Dublin, Ga.; Gadsden, Ala.; Greenville, S.C.; La Grange, Ga.; Lexington, Tenn.; Nashville, Tenn.; Rock Hill, S.C., and Southern Pines, N.C., transition areas.

The above control zones are described in § 71.171 (33 F.R. 2058).

In the Atlanta control zone description, reference is made to the Rex, Ga., VOR.

In the Charlotte control zone description, reference is made to the Charlotte VOR.

In the Columbus (Muscooke County Airport) control zone description, reference is made to the Columbus VOR.

In the McComb control zone description, reference is made to the McComb VOR.

In the Orlando control zone description, reference is made to the Orlando VOR.

The above transition areas are described in § 71.181 (33 F.R. 2137).

In the Brunswick transition area description, reference is made to the Brunswick VOR.

In the Columbus transition area description, reference is made to the Columbus VOR.

In the Cross City transition area description, reference is made to the Cross City VOR.

In the Dublin transition area description, reference is made to the Dublin VOR.

In the Gadsden transition area description, reference is made to the Gadsden VOR.

In the Greenville transition area description, reference is made to the Greenwood, S.C., VOR.

In the La Grange transition area description, reference is made to the La Grange VOR.

In the Lexington transition area description, reference is made to the Jacks Creek VOR.

In the Nashville transition area description, reference is made to the Muscle Shoals, Ala., VOR.

In the Rock Hill transition area description, reference is made to the Fort Mill, S.C., VOR.

In the Southern Pines transition area description, reference is made to the Pinehurst VOR.

Since the VOR's referenced in the above descriptions have been converted to VORTAC's, it is necessary to alter the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the following control zones are amended as hereinafter set forth:

In Atlanta, Ga.; Charlotte, N.C.; Columbus, Ga. (Muscogee County Airport); McComb, Miss.; and Orlando, Fla. (Herndon Municipal Airport), "VOR" is deleted and "VORTAC" is substituted therefor, wherever it appears.

In § 71.181 (33 F.R. 2137), the following transition areas are amended as hereinafter set forth:

In Brunswick, Ga.; Cross City, Fla.; Dublin, Ga.; Gadsden, Ala.; Greenville, S.C.; La Grange, Ga.; Lexington, Tenn.; Rock Hill, S.C.; and Southern Pines, N.C., "VOR" is deleted and "VORTAC" is substituted therefor, wherever it appears.

In Columbus, Ga. (Muscogee County Airport) "within 8 miles west and 5 miles east of the Columbus VOR, 329° and 149° radials, extending from the 7-mile and 9-mile radius areas to 12 miles northwest of the VOR;" is deleted and "within 8 miles west and 5 miles east of the Columbus VORTAC, 329° and 149° radials, extending from the 7-mile and 9-mile radius areas to 12 miles northwest of the VORTAC;" is substituted therefor.

In Nashville, Tenn., "Muscle Shoals (Alabama), VOR" is deleted and "Muscle Shoals, Ala., VORTAC" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 15, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-10310; Filed, Aug. 26, 1968; 8:47 a.m.]

[Airspace Docket No. 68-EA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Transition Areas

On July 2, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9620) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Nantucket, Mass., transition area and designate a transition area in the vicinity of Gloucester, Mass.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137) the following amendments are made:

1. The Gloucester, Mass., transition area is designated as follows:

GLOUCESTER, MASS.

That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Control 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

2. In the Nantucket, Mass., transition area, delete "the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station." and substitute "the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL," therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 20, 1968.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 68-10311; Filed, Aug. 26, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-156]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On January 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 151) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway

No. 257 from Great Falls, Mont., direct to Havre, Mont.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009) V-257 is amended by deleting "12 AGL Great Falls," and substituting "12 AGL Great Falls; 73 miles, 56 MSL, 12 AGL Havre, Mont.," therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 20, 1968.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 68-10312; Filed, Aug. 26, 1968; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1373]

PART 13—PROHIBITED TRADE PRACTICES

Allied-Kantor Textile & Notions, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Allied-Kantor Textile & Notions, Inc., et al., New York, N.Y., Docket C-1373, July 12, 1968]

In the Matter of Allied-Kantor Textile & Notions, Inc., a Corporation, and Harry Rosenshein and Morris Kantor, Individually and as Officers of Said Corporation

Consent order requiring a New York City converter of wool products to cease misrepresenting the fiber content of its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Allied-Kantor Textile & Notions, Inc., a corporation, and its officers, and Harry Rosenshein and Morris Kantor, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any cor-

porate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of constituent fibers included therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Allied-Kantor Textile & Notions, Inc., a corporation, and its officers, and Harry Rosenshein and Morris Kantor, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of interlinings, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amounts of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1968.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10297; Filed, Aug. 26, 1968;
8:45 a.m.]

[Docket No. C-1371]

PART 13—PROHIBITED TRADE PRACTICES

Standard Oil Co. (Indiana) and Amoco
Chemicals Corp.

Subpart—Acquiring corporate stock or assets: §13.5 *Acquiring corporate stock or assets*. Subpart—Using patents, rights or privileges unlawfully: §13.2485 *Using patents, rights, or privileges unlawfully*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Standard Oil Co. (Indiana) et al., Chicago, Ill., Docket C-1371, July 10, 1968]

In the Matter of Standard Oil Co. (Indiana), a Corporation; and Amoco Chemicals Corp., a Corporation

Consent order requiring a major oil company and its wholly owned subsidiary to license their polypropylene patent rights for a period of 10 years to all financially responsible applicants and furnish such licensees with certain technical information.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That:

(A) Respondents, for a period of 10 years from the effective date of this order, shall grant to all financially responsible applicants making written request therefor: (1) A license to the U.S. patent rights and technical information relating to the production of polypropylene covered by the form of license agreement attached to this order as License Agreement Form No. 1 on reasonable terms and conditions which are no less favorable to licensee than those contained in said form of license agreement; and (2) a license to the U.S. patent rights and technical information relating to the production of polypropylene film covered by the form of license agreement attached to this order as License Agreement Form No. 2 on reasonable terms and conditions which are no less favorable to licensee than those contained in said form of license agreement; and

(B) Respondent Standard Oil Co. (Indiana), should it obtain any U.S. patent or patents containing a claim or claims corresponding substantially to any count of Interference No. 89,634, which contains a claim to polypropylene as a composition of matter, shall grant to all financially responsible applicants making written application therefor a license under such patent or patents on reasonable terms and conditions which are no less favorable to licensee than those contained in the form of license agreement attached to this order as License Agreement Form No. 3.

II. It is further ordered, That:

(A) The taking of a license pursuant to paragraph I of this order shall not be construed as preventing any person from attacking, at any time, the validity or scope of any patent or patents covered by paragraph I of this order nor shall this order be construed as imputing any validity or value to any of the patents or technical information covered by paragraph I of this order;

(B) Neither respondent shall dispose of any patent or patents, or right thereunder, so as to deprive either respondent of the power to grant licenses in accordance with paragraph I of this order without the prior approval of the Federal Trade Commission; and

(C) Neither respondent shall acquire, directly or indirectly, for a period of 10 years from the effective date of this order, title to, or any interest in, or any license under any U.S. Letters Patent or any technical information directed to or primarily useful in connection with the production of polypropylene or poly-

propylene film, except from employees, agents or independent contractors who shall have developed such patents or technical information pursuant to a contract with or while employed by such respondent, without the prior approval of the Federal Trade Commission unless:

(1) Such respondent also obtains the right to issue licenses under such technical information or patents on terms and conditions no less favorable to licensee than those contained in the forms of license agreement attached to this order as License Agreement Form No. 1 or License Agreement Form No. 2; or (2) such respondent shall have acquired a nonexclusive right or license under such technical information or patents and shall have made a bona fide effort (not including additional monetary consideration) to persuade the licensor to make available to any third person requesting the same a right or license equivalent to that required of such respondent by paragraph I(A) of this order and on terms and conditions at least as favorable as those accorded to such respondents.

III. It is further ordered, That for a period of 10 years from the effective date of this order respondents shall, upon written request from the first four licensees granted a license relating to the manufacture of polypropylene covered by License Agreement Form No. 1 referred to in paragraph I(A) of this order which shall not be engaged in the manufacture of polypropylene, but shall desire to purchase polypropylene for resale in the United States, supply such licensee with a quantity of polypropylene not to exceed 10 million pounds per year at a price and on terms and conditions which are reasonable and in no event less favorable to such licensee than those granted by either respondent to any other domestic purchaser for resale: *Provided*, That such licensee shall give respondents at least 1 year's notice of its intention to purchase such polypropylene and shall enter into a contract for the purchase of not less than 2 million pounds annually of such polypropylene and for a term of at least 1 year's duration; *Provided further*, That the quantity of colored and filled polypropylene to be supplied pursuant to this paragraph shall not exceed 20 percent of the total polypropylene so supplied; *And provided further*, That respondents shall not be obligated to supply polypropylene under this paragraph to more than two (2) such licensees if, because of their own requirements and contractual commitments with other customers, respondents do not have available the quantity of polypropylene requested by such licensee.

IV. It is further ordered, That for a period of 10 years from the effective date of this order, neither respondent shall acquire without the prior approval of the Federal Trade Commission, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products, machinery or equipment purchased in the

ordinary course of business) of any domestic concern engaged in the production, processing, conversion or sale of polypropylene or of any polypropylene products, nor shall either respondent enter into any arrangement with such domestic concern, having the same economic effect as would result from any such acquisition, pursuant to which such respondent obtains the market share, in whole or in part, of such domestic concern: *Provided*, That this paragraph shall not apply to any acquisition of a domestic concern which shall have total sales of polypropylene of less than 5 million pounds or of products the polypropylene content of which shall not exceed 5 million pounds in the year prior to acquisition; *And provided further*, That nothing in this order shall prevent either respondent from acquiring the whole or any part of the stock, share capital or assets of Avisun Corp. or Patchogue-Plymouth Co.

V. It is further ordered, That:

(A) Within 60 days from the effective date of this order and every 6 months thereafter, each respondent shall report in writing to the Federal Trade Commission the steps it has taken to comply with paragraphs I, II, and III of this order and any steps taken to inform possible interested parties; and

(B) Within 60 days from the effective date of this order and annually thereafter, each respondent shall report in writing to the Federal Trade Commission the manner and form in which it intends to comply, is complying or has complied with paragraph IV of this order.

VI. It is further ordered, That each respondent shall forthwith distribute a copy of this order to each of their operating divisions and subsidiaries.

Issued: July 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10298; Filed, Aug. 26, 1968;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Purchase by Agricultural Cooperatives of Country Elevators of Financially-Troubled Direct Competitor

§ 15.279 Commission advises agricultural cooperatives it has no objection to proposed purchase of country elevators of financially-troubled direct competitor.

(a) The Commission issued an advisory opinion to agricultural cooperative applicants who wish to acquire several country elevators of a financially-troubled direct competitor.

(b) The applicants are a Statewide federated agricultural association and affiliated local farmer cooperatives. Ap-

plicants, and the company with the operating plants sought to be acquired, purchase farm products from growers and resell the partially processed products to further processors, canners and other intermediate distributors. The State organization offers to help the financially-troubled company by furnishing technical assistance on a contract basis in the farm supply and commodity marketing area to help the company in continuing to be an important factor in a particular industry. Individual market shares of the cooperatives are reported to be small.

(c) The Commission advised the applicants it has no objection to the proposed acquisition of some of the assets of the financially-troubled competitor.

(38 Stat. 717, as amended; 15 U.S.C. 41-58: 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: August 26, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10256; Filed, Aug. 26, 1968;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Partial Acquisition of Direct Competitor's Business That May Substantially Increase Applicant's Market Power

§ 15.280 Commission advised applicant it cannot approve a proposed partial acquisition of a direct competitor's business that may substantially increase applicant's market power.

(a) The Commission issued an advisory opinion to an applicant who sought premerger clearance to acquire a number of operating plants of a direct competitor.

(b) According to the information submitted by the applicant, both companies purchase an agricultural product from growers and resell the partially processed product to further processors and canners. Both companies appear to be among the top four firms in the market and to have substantial shares of the market.

(c) The Commission expressed the opinion that it cannot approve the proposed acquisition because such an acquisition may substantially increase applicant's market power and thereby tend to produce anticompetitive effects in violation of the Clayton Act, as amended.

(38 Stat. 717, as amended; 15 U.S.C. 41-58: 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: August 26, 1968.

By direction of the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10257; Filed, Aug. 26, 1968;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Recommendations With Respect to Sales Periods and Services Furnished by Members and Cash Discounts by Suppliers

§ 15.281 Trade association recommendations with respect to sales periods and services furnished by members and cash discounts by suppliers.

(a) The Commission rendered an advisory opinion to a trade association of clothing retailers that its proposal to hold discussions, conduct studies and make recommendations to its members and their suppliers with respect to three problems which confront the industry would probably be illegal.

(b) The association advised that competitive conditions have forced the retailers into longer and longer sales periods which squeeze profit margins in the stores and contribute to improper merchandise assortments for one-third of the year. Second, it was stated that the cost of alterations was creeping upward as labor costs increase, thus adding to overhead expense and that only a limited number of stores charge for these alterations. Third, the association advised that manufacturers vary in the amounts of cash discounts they will give and in the time periods during which they will be allowed, thus confusing retailers and resulting in substantial clerical errors. The association felt that it would greatly simplify retailer record keeping if a uniform date of payment and uniform discount terms became an accepted practice in the industry.

(c) In an effort to find solutions to these problems, the association contemplated three steps concerning which an opinion was desired. First, it asked if it could include articles in its bulletins about the benefits of starting clearance sales at later dates and otherwise publishing information designed to show that stores better serve customers when they operate as a one price store for the maximum amount of time during the year. Second, it inquired as to whether it could include cost information on alterations showing the inequities of not applying reasonable charges for alterations and as to whether local merchants could discuss, without specifics as to price, the merit of charging for alterations and urge local cooperation. Third, the association inquired as to whether it could include in its publications information on the desirability of uniform cash discounts, pass resolutions and urge manufacturers to cooperate.

(d) The opinion advised that all three of these proposed courses of action would, in the Commission's view, be of questionable propriety under existing law. With respect to the passage of resolutions urging manufacturers to adopt uniform cash discount terms, it was the Commission's opinion that, even if unaccompanied by any intent to force the manufacturers to adopt the policies set

forth therein, there was implicit in such resolutions by the retailers too grave a danger that they would serve as a device whereby the concerted power of the members of the association was brought to bear to coerce the manufacturers to conform their discount policies to the restrictive standards of the resolutions, or, at the very least, as an invitation to enter into agreements among themselves to do so.

(e) The other two proposals seemed to the Commission to involve activities by the association which would lead to suppression of competition among the members. In the Commission's view, the time and duration of sales and the furnishing of alterations without additional charge are methods of competition among the retailers. The natural and probable result of what the association proposed to do would be to limit competition in these areas and thus would constitute an unlawful restraint of trade. While the steps which the association contemplated may not be the equivalent of an agreement among the members to follow the recommended procedures, still if they had the effect of persuading substantial numbers of those members to do so, it would raise a serious inference of such an agreement and hence would be of questionable propriety under the antitrust laws. Therefore, any actions by the association which would have a tendency to bring about that result could not, the Commission stated, meet with its approval.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 26, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10259; Filed, Aug. 26, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Marking Requirements for Shirts Assembled in United States From Foreign Components

§ 15.282 Marking requirements for shirts assembled in the United States from foreign components.

(a) The Commission advised an apparel manufacturer that the Textile Fiber Products Identification Act would require an affirmative disclosure of the particulars of foreign origin under the following facts:

(b) The manufacturer proposed to contract with or establish a plant in Hong Kong where foreign-made shirt cloth would be cut into parts and simple sewing would be done. The parts would then be shipped to a plant in the United States where, through a process of assembling, sewing, and finishing of the cut parts, individual shirts would be manufactured. From the cost data furnished it appeared that 60 percent of the cost of labor would be performed in this

country and 40 percent in Hong Kong. The material and labor furnished in Hong Kong would account for 61.5 percent of the total cost of finished shirts and the labor performed in the United States would account for 38.5 percent of the total.

(c) The Commission advised that it was of the opinion that, under the laws it administers, textile products produced and processed in this manner must be labeled as "Assembled and sewn in the United States of materials imported from Hong Kong."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 72 Stat. 1717, as amended; 15 U.S.C. 70)

Issued: August 26, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10258; Filed, Aug. 26, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of Treasury

[T.D. 68-209]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 9—IMPORTATIONS BY MAIL Importations by Libraries and Other Institutions

Sections 8.51(a), 9.3(c), and 9.9(b), Customs Regulations, concerning the entry of books or other articles, classifiable under item 850.10 or item 851.10, Tariff Schedules of the United States, amended:

Under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (80 Stat. 897) which entered into force February 1, 1967, by Presidential Proclamation 3754 of November 3, 1966, 3 CFR (1966 Comp.) 90, certain articles were transferred from items 850.10 and 851.10, Tariff Schedules of the United States (19 U.S.C. 1202), to items 270.25, 273.10, 273.35, and 765.03 of the Tariff Schedules of the United States (19 U.S.C. 1202). To reflect this transfer, the Customs Regulations are amended as follows:

Section 8.51(a) (1) is amended to read:

§ 8.51 Informal entries.

(a) * * *

(1) books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States, imported by a library or other institution described in items 850.10 and 851.10, Tariff Schedules of the United States;

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a).)

Section 9.3(c) is amended to read:

§ 9.3 Mail entries.

(c) Books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States, imported in the mails by a library or other institution described in items 850.10 and 851.10, Tariff Schedules of the United States, may be cleared through customs under an informal mail entry, regardless of value.

§ 9.9 [Amended]

Section 9.9(b) is amended by substituting "drawings, engravings," for "books, music," in the first sentence.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 19, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary
of the Treasury.

[F.R. Doc. 68-10339; Filed, Aug. 26, 1968; 8:49 a.m.]

[T.D. 68-207]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of June 1968 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended:

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of June 1968, of approved fruit products and other approved products containing sugar amounts to Australian \$115.40 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian \$115.40 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed

"Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68-108 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 16, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary
of the Treasury.

[F.R. Doc. 68-10338; Filed, Aug. 26, 1968;
8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DIS- ABILITY AND DEATH OF NONCITI- ZENS OUTSIDE UNITED STATES

Criteria for Payment of Compensation

Section 12 of the Federal Employees' Compensation Act Amendments of 1966 (80 Stat. 252) amended section 32 of the Federal Employees' Compensation Act by adding the following provision: "In the adjudication of claims under section 42 of this Act, the Secretary shall have the authority to determine the nature and extent of the proofs and evidence required to establish the right to benefits under this Act without regard to the date of injury or death for which claim is made." The enactment of this provision as permanent legislation eliminates the necessity for the limitation in 20 CFR 25.5(b) that such section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1966 (79 Stat. 589, 592).

Accordingly, pursuant to the authority contained in 5 U.S.C. 8145 and 8149, Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 15 F.R. 3178), and General Order No. 46 (Revised) of the Secretary of Labor (24 F.R. 8472), I hereby amend 20 CFR 25.5 by deleting paragraph (b) and the designation "(a)" before the remainder of the text of the section.

As this amendment relates only to public benefits, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delayed effective date, do not apply. I do not believe that such procedure or delay will serve a useful purpose here. Accordingly, the amendment shall be effective upon publication in the FEDERAL REGISTER.

(80 Stat. 255, 553, 555; 5 U.S.C. 8145, 8149; Reorganization Plan No. 19 of 1950, 64 Stat. 1271, 15 F.R. 3178; General Order No. 46 (Rev.), 24 F.R. 8472)

Signed at Washington, D.C., this 19th day of August 1968.

THOMAS A. TINSLEY,
Director, Bureau of
Employees' Compensation.

[F.R. Doc. 68-10303; Filed, Aug. 26, 1968;
8:46 a.m.]

Chapter III—Social Security Adminis- tration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSUR- ANCE FOR THE AGED (1965—)

Subpart I—Conditions of Participa- tion; Home Health Agencies

On May 14, 1966, there was published in the FEDERAL REGISTER 31 F.R. 7143) a notice of proposed rule making relating to conditions of participation which home health agencies are required to meet for the purpose of qualifying as providers of services in the health insurance for the aged program.

The more significant changes made in the tentative regulations published on May 14, 1966, are as follows:

In § 405.1224 *Service to homebound patients on part-time or intermittent basis*, paragraph (b), definition of a homebound patient, has been modified to some extent in order to reflect the experience of the program and the resultant definition of "homebound," approved as a revision to the Home Health Agency Manual by the Public Health Service and the Health Insurance Benefits Advisory Council, that the medical condition of a patient who is certified as being confined to his home would be such as to render the patient generally unable to leave his home to obtain health services.

In § 405.1225 *Personnel policies*, paragraph (c), employment contracts, has been added to specify the type of agreement which must be made when an agency provides home health services through personnel working on a fee-for-service basis. Under the proposed regulations, written contracts were required only when an agency made arrangements for the provision of home health services with participating and nonparticipating providers. Since many agencies have entered into fee-for-service agreements with paramedical personnel, a need was felt to assure the responsibility and supervision of the agency over such services.

In § 405.1228 *Skilled nursing service*, paragraph (g) and (h) have been added in order to specify the qualifications required to be met by student nurses and the circumstances under which student nursing services may be considered skilled nursing services reimbursable under the health insurance program.

In § 405.1229 *Physical therapy*, the qualifications of physical therapists have been included in greater detail. In addition, the role of the physician in his professional relationship to physical thera-

pists is more precisely reflected. These revisions are similar to those made in the regulations for extended care facilities.

In § 405.1230 *Speech therapy*, the qualifications of speech pathologists and audiologists have been included in greater detail. In addition, the role of the physician in his professional relationship to speech therapists is more precisely reflected. These revisions are similar to those made in the regulations for extended care facilities.

In § 405.1238 *Services arranged for with another approved provider*, when a home health agency arranges to provide home health services through another provider of service, a written contract is required. This section has been revised to indicate the specific provisions which must be contained in the written contract. These provisions are similar to those already required in a written contract when the home health agency makes arrangements with a nonparticipating provider to furnish home health services.

Additionally, editorial and clarifying changes were made throughout the subpart.

Chapter III, Title 20 is amended by adding thereto Subpart L of Part 405 to read as set forth below. The addition of Subpart L of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 8, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 20, 1968.

WILBUR J. COHEN,
Secretary of Health,
Education, and Welfare

Subpart L—Conditions of Participation; Home Health Agencies

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405.1242 Condition of participation—physician's original drug orders and changes in orders.
405.1243 Condition of participation—clinical records.

AUTHORITY: The provisions of this Subpart L issued under sections 1102, 1861(o), 1863, 1864, 1871; 49 Stat. 647, as amended, 79 Stat. 320, 79 Stat. 325-326, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

Subpart L—Conditions of Participation; Home Health Agencies

§ 405.1201 General.

(a) In order to participate as a home health agency in the health insurance program for the aged, an institution must be a "home health agency" within the meaning of section 1861(o) of the Social Security Act. This section of the law states a number of specific requirements which must be met by participating home health agencies and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of health and safety of beneficiaries.

Sec. 1861(o). For purposes of this title—

(o) The term "home health agency" means a public agency or private organization, or a subdivision of such an agency or organization, which—

(1) Is primarily engaged in providing skilled nursing services and other therapeutic services;

(2) Has policies, established by a group of professional personnel (associated with the agency or organization), including one or more physicians and one or more registered professional nurses, to govern the services (referred to in paragraph (1)) which it provides, and provides for supervision of such services by a physician or registered professional nurse;

(3) Maintains clinical records on all patients;

(4) In the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, (A) is licensed pursuant to such law, or (B) is

approved, by the agency of such State or locality responsible for licensing agencies or organizations of this nature, as meeting the standards established for such licensing; and

(5) Meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such agency or organization;

except that such term shall not include a private organization which is not a nonprofit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) unless it is licensed pursuant to State law and it meets such additional standards and requirements as may be prescribed in regulations; and except that for purposes of Part A such term shall not include any agency or organization which is primarily for the care and treatment of mental diseases.

(b) The requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the Conditions of Participation for Home Health Agencies. A home health agency which meets all of the specific statutory requirements and which is found to be in substantial compliance with the additional conditions prescribed by the Secretary may, if it so desires, agree to become a participating home health agency.

(c) The Secretary may, at the request of a State, approve higher health and safety requirements for that State. Also, where a State or political subdivision imposes higher requirements on home health agencies as a condition for the purchase of services under a State plan approved under title I, XVI, or XIX of the Social Security Act, the Secretary is required to impose like requirements as a condition to the payment for services by such home health agencies in that State or subdivision. (See Addenda to §§ 405.1222 and 405.1223.)

(d) Attention is invited to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (sec. 601), and to the implementing regulation issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of title 45 of the Code of Federal Regulations).

§ 405.1202 Conditions of participation; general.

For an agency to be eligible for participation in the program, it must meet the statutory requirements of section 1861(o) and there must be a finding of substantial compliance on the part of the agency with all the other conditions. These conditions which include both the statutory requirements and the additional health and safety requirements prescribed by the Secretary are set forth in § 405.1220 et seq. They are requirements relating to the quality of care and

the adequacy of the services and facilities which the agency provides. Variations in the type and size of agencies and the nature and scope of services offered will be reflected in differences in the details of organization and staffing. However, the test is whether there is substantial compliance with each of the conditions.

§ 405.1203 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular home health agency, explanations are given under each condition. These explanations provide an indication of the various ways in which such agencies may carry out the functions embodied in the conditions. Reference to these explanations will enable the State agency surveying a home health agency to document the activities of the agency, to establish the nature and extent of its deficiencies, if any, with respect to any particular function, and to assess the agency's need for improvement in relation to the prescribed conditions. In substance, the explanations will help the State agency determine the extent and degree to which a home health agency is complying with each condition.

§ 405.1204 Certification by State agency.

(a) The Health Insurance for the Aged Act provides that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether institutions meet the conditions of participation. Pursuant to these agreements, State agencies will certify to the Secretary home health agencies which are found to be in substantial compliance with the conditions. Such certifications shall include findings as to whether each of the conditions is substantially met. The Secretary, on the basis of such certification from the State agency, will determine whether or not an entity is a home health agency eligible to participate in the health insurance program as a provider of services.

(b) The decisions of the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of a State agency decision will be sent to the home health agency by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the home health agency does not comply with the conditions of participation, the home health agency may appeal from such determination and request a hearing. (For procedures relating to determinations and appeals, see Subpart O of this Part 405.)

§ 405.1205 Principles for the evaluation of home health agencies to determine whether they meet the conditions of participation.

Home health agencies will be considered in substantial compliance with the conditions of participation upon acceptance by the Secretary of findings, ade-

quately documented and certified to by the State agency, showing that:

(a) The home health agency meets the specific statutory requirements of section 1861(o) and is found to be operating in accordance with all other conditions of participation with no significant deficiencies, or

(b) The home health agency meets the specific statutory requirements of section 1861(o) but is found to have deficiencies with respect to one or more other conditions of participation which:

(1) It is making reasonable plans and efforts to correct, and

(2) Notwithstanding the deficiencies, is rendering adequate care and without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1206 Time limitations on certification of substantial compliance.

(a) All initial certifications by the State agency to the effect that a home health agency is in substantial compliance with the conditions of participation will be for a period of 2 years, beginning with July 1, 1966, or, if later, with the date on which the home health agency is first found to be in substantial compliance with the conditions. State agencies may visit or resurvey home health agencies where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that an agency is no longer in compliance may occur within a 2-year or subsequent period of certification and will thereby terminate the State's certification as to compliance.

(b) If a home health agency is in substantial compliance under the provisions of § 405.1205(b), the following information will be incorporated in the Secretary's finding and into the notice of eligibility to the home health agency:

(1) A statement of the deficiencies which were found; and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies; and

(3) A scheduled time for a resurvey of the home health agency to be conducted not later than the 18th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1207 Certification of noncompliance.

The State agency will certify that a home health agency is not in compliance with the conditions of participation, or, where a determination of eligibility has been made, that it is no longer in compliance where:

(a) The home health agency is not in compliance with one or more of the statutory requirements of section 1861(o); or

(b) The home health agency has deficiencies of such character as to seriously limit its capacity to render adequate care

or to place health and safety of individuals in jeopardy, and consultation to the home health agency has demonstrated that there is no early prospect of such significant improvement as to establish substantial compliance as of a later beginning date; or

(c) After a previous period or part thereof for which the home health agency was certified under circumstances outlined in § 405.1205(b), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(d) If, on the basis of a State agency certification, it is determined by the Secretary that the home health agency does not substantially meet, or no longer substantially meets, the conditions of participation, the agreement for participation may not be accepted for filing, or if filed, may be terminated. The agency may request that the determination be reviewed.

§ 405.1208 Documentation of findings.

The findings of the State agency with respect to each of the conditions of participation should be adequately documented. Where the State agency certification to the Secretary is that a home health agency is not in compliance with the conditions of participation, such documentation should include a report of all consultation which has been undertaken in an effort to assist the home health agency to comply with the conditions, a report of the home health agency's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the home health agency to achieve substantial compliance with the conditions.

§ 405.1209 Authorization for special certification in areas where necessary to provide access to home health services.

(a) Where, by reason of isolated location, the denial of eligibility of a home health agency to participate would seriously limit the access of beneficiaries to the services of participating home health agencies, a home health agency may, upon recommendation by the State agency, be approved by the Secretary as a provider of services. Such approvals will be granted only where there are no deficiencies of such character and seriousness as to place health and safety of individuals in jeopardy. A home health agency receiving this special approval shall furnish information showing the extent to which it is making the best use of its resources to improve its quality of care. Resurveys of such agencies will be made at least annually.

(b) Each case will have to be decided on its individual merits; and while the degree and extent of compliance will vary, the home health agency must, as a minimum, meet all of the statutory conditions of section 1861(o) (1)-(4), in addition to meeting such other requirements as the Secretary finds necessary under section 1861(o) (5).

§ 405.1220 Condition of participation—primary functions.

(a) *Condition.* The primary functions of the home health agency include the provision of skilled nursing services and other therapeutic services on a visiting basis in a place of residence used as the individual's home. (See §§ 405.1228-405.1237 relating to skilled nursing services and other therapeutic services.) For purposes of posthospital home health benefits under Part A of Title XVIII of the Social Security Act, the term "home health agency" does not include any agency or organization which is primarily for the care and treatment of mental diseases.

(b) *Provision of services.* The agency's bylaws, or the equivalent thereof, state explicitly that the home health agency provides skilled nursing and other therapeutic services directly, or, in the case of a public or voluntary nonprofit health agency, if it provides directly only skilled nursing services or only other therapeutic services that it furnishes through arrangements with other public or voluntary nonprofit agencies the services which it does not provide directly. (See §§ 405.1238-405.1239 relating to arrangements for services.) A charter, an official statement of objectives, or the agency's governing policies are the equivalent of bylaws.

(c) *Subdivision operating as home health agency.* When a subdivision of an agency (e.g., the home care department of a hospital or the nursing division of a health department) applies for participation, the subdivision rather than the parent organization meets the conditions of participation as a home health agency and maintains records in such a way that subdivision activities and expenditures attributable to services provided under the health insurance program are identifiable. The parent organization may determine who signs the agreement and other official documents; and receive and disburse funds.

§ 405.1221 Condition of participation—skilled nursing and one other therapeutic service.

In addition to skilled nursing services, the agency provides at least one of the following other therapeutic services: i.e., physical, speech, or occupational therapy, medical social services, or home health aide services.

§ 405.1222 Condition of participation—agency supervision.

(a) *Condition.* The home health agency designates a physician or registered professional nurse to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician. (See § 405.1241 for conditions of participation relating to "plan of treatment.")

(b) *Where a nurse is designated.* It is preferable that an agency which design-

nates a registered professional nurse appoint a public health nurse.

Addendum to § 405.1222

Pursuant to the provisions of section 1863 of title XVIII of the Act (see § 405.1201(c)), there is approved the following higher condition of participation relating to Agency Supervision applicable in those States identified below:

CONNECTICUT

Agency Supervision—Condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by the physician. The following qualifications apply to the supervisor and director:

(a) **Supervisor.** The minimum qualifications of the nursing supervisor are a Baccalaureate Degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years' experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities.

(b) **Director.** When a unit through which home health services are provided reaches a total nursing staff of 9 to 12, depending upon the number of towns involved and area served, a qualified public health nursing director shall be employed in addition to the nursing supervisor.

(1) **Preferred.** A Master's Degree with a major in public health nursing administration or supervision from a university program approved by the National League for Nursing, or a Master's Degree in public health from a university program approved by the American Public Health Association, and at least 5 years' experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

(2) **Acceptable.** A Baccalaureate Degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation supplemented by approved courses in public health nursing supervision and administration, and at least 5 years' experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

NEW JERSEY

Agency Supervision—Condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician. In the event that a physician is the administrator of the home health agency, the nursing service shall be under the direction of a registered professional nurse qualified as a public health nurse director. Public health nurse supervisors, when employed, shall be qualified.

(a) **Director.** (1) A public health nurse director has completed a Master's Degree program accredited by the National League for Nursing with a nursing major in supervision, teaching, consultation or administration and advance study in a clinical specialty; or completion of a Master's program in public health in an institution accredited by the American Public Health Association, and

(2) Five years of experience in public health nursing, one year of which shall have been in a supervisory experience.

(b) **Supervisor.** A Public Health Nurse Supervisor has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or post-baccalaureate study which includes content approved by the National League for Nursing for public health nursing preparation; and three years of experience in public health nursing under qualified nursing supervision.

§ 405.1223 Condition of participation—advisory group of professional personnel.

(a) **Condition.** Policies covering skilled nursing and other therapeutic services, and the professional health aspects of other policies are established with the approval of and subject to regular review by a group of professional personnel associated with the agency or organization, including one or more licensed physicians and one or more registered professional nurses.

(b) **Composition of group.** (1) This group might be, for example: (i) An advisory committee to the agency's executive council or board of directors; (ii) a subcommittee of such council or board; or (iii) other similar arrangement.

(2) One or more members of the professional group are persons not employed by the agency.

(3) It is preferable that the registered nurse member be a public health nurse.

(4) It is desirable for the group to include lay persons knowledgeable in health affairs and in the needs and resources of the community served by the agency; and also to have a wide range of professional representatives such as medical social worker; nutritionist; speech, physical, and occupational therapists.

Addendum to § 405.1223

Pursuant to the provisions of section 1863 of title XVIII of the Act (see § 405.1201(c)), there is approved the following higher condition of participation relating to the Advisory Group of Professional Personnel in those States identified below:

NEW JERSEY

Advisory Group of Professional Personnel—Condition. Policies covering skilled nursing and other therapeutic services, and the professional health aspects of other policies, are established with the approval of and subject to regular review by a group of professional personnel which includes at least three licensed physicians and a registered professional nurse qualified as a public health nurse director.

Composition of Group.

(a) This group might be, for example: (1) an advisory committee to the agency's executive council or board of directors; (2) a subcommittee of such council or board; or (3) other similar arrangement.

(b) Some member or members of the professional group are persons not employed by the agency.

(c) The physician members of the Advisory Group serve as liaison with the County Medical Society and interpret agency medical policies to individual physicians.

(d) It is desirable for the group to include lay persons knowledgeable in health affairs and also to have a wide range of professional representatives such as medical social worker, nutritionist; speech, physical, and occupational therapists.

§ 405.1224 Condition of participation—service to homebound patients on part-time or intermittent basis.

(a) **Condition.** The agency is organized, staffed and equipped to provide service to homebound patients on a part-time or intermittent basis.

(b) **Definition of homebound patient.** A homebound patient is one who is essentially confined to a place of residence due to an illness or injury and, if ambulatory or otherwise mobile, is unable to be absent from his residence except on an infrequent basis or for periods of relatively short duration, e.g., for a short walk prescribed as therapeutic exercise.

(c) **Definition of part-time or intermittent.** Most patients whose home health care is covered will require service a few hours a day, several times a week. Some may require longer service on one day than on other days and such adjustments are to be encouraged. Occasionally, because of special circumstances occurring during a brief period, service for a full day may need to be provided.

§ 405.1225 Condition of participation—personnel policies.

(a) **Condition.** The agency has written policies concerning qualifications, responsibilities, and conditions of employment for each type of personnel (including licensure where this is required by State law).

(b) **Content of personnel policies.** The policies are written and available to staff as well as to the group of professional personnel and cover:

(1) Wage scales, hours of work, vacation, and sick leave.

(2) A plan for preemployment and periodic medical examination, tuberculin test and/or chest X-ray, serology, and other appropriate tests.

(3) Plans for orientation of all health personnel to the policies and objectives of the agency and for on-the-job training, where necessary.

(4) Periodic evaluation of employee performance.

(5) Job descriptions for each category of health personnel which are specific and include the type of activity each may carry out.

(c) **Employment contracts.** When a home health agency provides home health services through employment agreements with personnel providing services on a fee-for-service basis, as opposed to a salaried basis, there is a written statement regarding the services to be provided and the financial arrangements.

(d) **Contract provisions.** The contract includes all of the following points:

(1) Designates the services which are to be provided by the employee and the geographical areas in which the services are to be provided. Services provided are to be within the scope and limitations set forth in the physician's plan of treatment which has been established with the agency and may not be altered in type, scope, or duration by the employee.

(2) Provides for the acceptance of patients for home health care by the agency. Patients are not to be admitted

to home health care by the individual employee without appropriate review of the case and acceptance of the patient by the agency according to § 405.1240.

(3) Describes the duties of the employee. The employee must regularly participate with other health personnel of the agency in staff meetings, policy formation, planning when and how a plan of treatment is to be carried out, scheduling of visits, discussions for the purpose of planning and evaluating patient care in individual cases, etc.

(4) Provides for the preparation of progress notes and observations and for their prompt incorporation into the medical records of the agency.

(5) Specifies the financial arrangements. The employee cannot bill the patient or the health insurance program.

§ 405.1226 Condition of participation—evaluation.

(a) *Condition.* The agency has procedures which provide for systematic evaluation of its program at least once every 2 years.

(b) *Method of program evaluation.*
(1) There are measures to determine whether the policies established with the approval of the group of professional personnel are followed in providing services. These should include a review of patient records on a sample basis in order to determine that services are being used appropriately and the extent to which the needs of the patients the agency serves are being met both quantitatively and qualitatively.

(2) There is a mechanism for reviewing the overall management aspects of its service to assure economy and efficiency of operation.

(3) Agency staff and/or its professional group may conduct the evaluation itself. Alternatively, the agency may seek the advice of persons or organizations outside the agency.

§ 405.1227 Condition of participation—compliance with State and local laws.

(a) *Condition.* The home health agency is in conformity with all applicable Federal, State, and local laws, regulations and similar requirements.

(b) *Licensing of home health agency.* A home health agency which is a non-profit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization), in a community where State or applicable local law provides for the licensing of such agencies, is licensed pursuant to such law or approved by the State or local licensing agency as meeting the standards for licensure. A proprietary organization which is not a private organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) in all instances is licensed as a home health agency pursuant to State law. If no State law exists for the licensure of such an agency, it cannot be certified for participation in the health insurance program.

(c) *Licensure of staff.* Staff of the home health agency is currently licensed or registered in accordance with applicable laws.

§ 405.1228 Condition of participation—skilled nursing service.

(a) *Condition.* Skilled nursing service is provided by or under the supervision of registered professional nurse(s).

(b) *Registered professional nurse—qualifications.* A registered professional nurse is currently licensed by the State as a registered professional nurse and preferably has at least 1 year of experience as a professional nurse.

(c) *Public health nurse—qualifications.* A public health nurse is licensed to practice professional nursing in the State and has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or postbaccalaureate study which includes content approved by the National League for Nursing for public health nursing preparation.

(d) *Professional nursing services—duties.* Professional nursing services are services given in accordance with a physician's orders which require the competencies of a registered professional nurse, preferably a qualified public health nurse. Skilled nursing includes such duties as the following:

(1) Evaluates and regularly re-evaluates the nursing needs of the patient;

(2) Develops and implements the nursing care plan for the patient;

(3) Provides nursing services, treatments, and diagnostic and preventive procedures requiring substantial specialized skill;

(4) Initiates preventive and rehabilitative nursing procedures as appropriate for the patient's care and safety;

(5) Observes signs and symptoms and reports to the physician reactions to treatments, including drugs, and changes in the patient's physical or emotional condition;

(6) Teaches, supervises, and counsels the patient and family members regarding the nursing care needs and other related problems of the patient at home;

(7) Supervises and trains other nursing service personnel.

(e) *Practical nurse—qualifications.* A practical nurse or vocational nurse is licensed by the State and preferably has at least 1 year of nursing experience under the supervision of a registered professional nurse.

(f) *Practical nursing—duties.* Practical nursing services are given by a licensed practical nurse or licensed vocational nurse working under the supervision of a registered professional nurse. Practical nursing includes such duties as the following:

(1) Observes, records, and reports to supervisor on the general physical and mental conditions of the patient;

(2) Administers prescribed medications and simple treatments as permitted by State or local regulations;

(3) Assists the physician and/or registered professional nurse in performing specialized procedures;

(4) Prepares equipment for treatments, including sterilization and observation of aseptic techniques;

(5) Assists the patient with activities of daily living while teaching appropriate self-care techniques.

(g) *Student nurse—qualifications.* A student nurse is enrolled in a diploma, associate degree, or baccalaureate degree program approved by the National League for Nursing.

(h) *Student nursing services.* Student nursing services are "skilled nursing services" which under State law may be legally performed by a student and which are furnished under a training program in which the home health agency is participating under the supervision of a registered professional nurse who is either an employee of the home health agency or the school of nursing in which the student is enrolled.

§ 405.1229 Condition of participation—physical therapy.

(a) *Condition.* When an agency provides or arranges for physical therapy, service is given in accordance with a physician's written orders by or under the supervision of a physical therapist meeting the qualifications set out in this section.

(b) *Physical therapist—qualifications.* A physical therapist:

(1) Has graduated from a physical therapy curriculum approved by—

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966—

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If trained outside the United States—

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation for Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(c) *Physical therapy—duties.* Physical therapy includes such duties as the following:

(1) Assists the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;

(2) Treats patients to relieve pain, develop or restore function, and maintain maximum performance, using physical means, such as exercise, massage, heat, water, light, and electricity, for example:

(i) Directs and aids patients in active and passive exercises, muscle reeducation, and gait and functional training, activities of daily living including transfer activities and prosthetic training;

(ii) Makes use of equipment such as ultraviolet and infrared lamps, low voltage generators, diathermy, and ultrasonic machines;

(iii) Gives whirlpool and contrast baths, and applies moist packs.

(3) Arranges for the provision on an outpatient basis of services described in subparagraph (2) (i) and (ii) of this paragraph which involve the use of equipment which cannot be made readily available in the patient's home;

(4) Observes, records, and reports to the physician the patient's reaction to treatment and any changes in the patient's condition;

(5) Instructs patients in care and use of wheelchairs, braces, crutches, canes, and prosthetic and orthotic devices;

(6) Instructs other health team personnel including, when appropriate, home health aides, and family members in certain phases of physical therapy with which they may work with the patient;

(7) Instructs family on patient's total physical therapy program.

§ 405.1230 Condition of participation—speech therapy.

(a) *Condition.* When an agency provides or arranges for speech therapy, service in speech pathology or audiology is given in accordance with a physician's written orders and by or under the supervision of a speech therapist meeting the qualifications set out in this section.

(b) *Speech therapist—qualifications.* A speech therapist:

(1) Has been granted a Certificate of Clinical Competence in the appropriate area (Speech, Pathology, or Audiology) by the American Speech and Hearing Association; or

(2) Meets the equivalent educational requirements and work experience necessary for such certificate; or

(3) Has completed the academic and practicum requirements for certification and is in the process of accumulating the necessary supervised work experience required for certification; or

(4) Until January 1, 1970, has a Basic Certificate or provisional basic certification and is in the process of acquiring 4 years of sponsored professional experience; or

(5) Had a Basic Certificate or sponsor privilege as of December 31, 1964, cannot complete 4 years of sponsored profes-

sional experience before January 1, 1970, but passed a special examination given by the American Speech and Hearing Association during 1969.

(c) *Speech therapy—duties.* Speech therapy or audiology includes such duties as the following:

(1) Cooperation in the evaluation of patients with speech, hearing, or language disorders;

(2) On the basis of orders by the physician, who indicates anticipated goals and is responsible for general medical direction of such service as a part of the total care of the patient, determines and recommends appropriate speech and hearing services;

(3) Provides rehabilitative services for speech, hearing and language disorders;

(4) Records and reports to the physician the patient's reaction to treatment and any changes in the patient's condition;

(5) Instructs other health team personnel and family members in methods of assisting the patient to improve and correct speech, hearing, and language disabilities.

§ 405.1231 Condition of participation—occupational therapy.

(a) *Condition.* When an agency provides or arranges for occupational therapy, services are given in accordance with a physician's written orders and by or under the supervision of an occupational therapist meeting the qualifications set out in this section.

(b) *Occupational therapist—qualifications.* An occupational therapist is registered by the American Occupational Therapy Association or is a graduate of a program in occupational therapy approved by the Council on Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and engaged in the required supervised clinical experience period prerequisite to registration by the American Occupational Therapy Association.

(c) *Occupational therapy assistant—qualifications.* An occupational therapy assistant has successfully completed a training course approved by the American Occupational Therapy Association and is certified by that body as a certified occupational therapy assistant.

(d) *Occupational therapy—duties.* Occupational therapy includes such duties as the following:

(1) Assists the physician in his evaluation of the patient's level of function by applying diagnostic and prognostic procedures;

(2) Guides the patient in his use of therapeutic creative and self-care activities for the purpose of improving function;

(3) Observes, records, and reports to the physician the patient's reaction to treatment and any changes in the patient's condition;

(4) Instructs other health team personnel including, when appropriate, home health aides and family members in certain phases of occupational therapy in which they may work with the patient.

§ 405.1232 Condition of participation—supervision of therapy services.

When the services of aides or other personnel providing supplementary services are utilized in providing home health services, they are trained and supervised by appropriate professional personnel. When such supervision is less than full-time, e.g., for a limited number of hours or days each week, the supervision is provided on a planned basis and is frequent enough to assure adequate review of individual treatment plans and progress.

§ 405.1233 Condition of participation—medical social services.

(a) *Condition.* When an agency provides or arranges for medical social services, they are given under direction of a physician by or under the supervision of a medical social worker meeting the qualifications set out in this section.

(b) *Medical social worker—qualifications.* A medical social worker is a graduate of a school of social work accredited by the Council on Social Work Education and has had social work experience in a hospital, outpatient clinic medical rehabilitation, medical care or mental health program.

(c) *Social work assistant—qualifications.* A social work assistant has a baccalaureate degree and the agency provides on-the-job training in medical social service tasks and assignments.

(d) *Medical social services—duties.* Medical social services include such duties as the following:

(1) Assists the physician and other members of the health team in understanding the significant social and emotional factors related to patient's health problems;

(2) Assesses the social and emotional factors in order to estimate the patient's capacity and potential to cope with problems of daily living;

(3) Helps the patient and his family to understand, accept, and follow medical recommendations and provides services planned to restore the patient to optimum social and health adjustment within his capacity;

(4) Assists patients and their families with personal and environmental difficulties which predispose toward illness or interfere with obtaining maximum benefits from medical care;

(5) Utilizes resources, such as family and community agencies, to assist patient to resume life in the community or to learn to live within his disability.

§ 405.1234 Condition of participation—home health aide services.

(a) *Condition.* When an agency provides or arranges for home health aide services, the aides are assigned because the physician has specified in his plan of treatment that the patient needs personal care.

(b) *Personal care for patient.* The title used for this class of personnel varies among agencies but the duties for which the aides are selected, trained, and assigned are essentially, but not limited to, personal care for the patient:

(1) Helping patient with bath, care of mouth, skin, and hair;

(2) Helping patient to bathroom or in using bed pan;

(3) Helping patient in and out of bed, assisting with ambulation;

(4) Helping patient with prescribed exercises which the patient and home health aide have been taught by appropriate professional personnel;

(5) Assisting with medications, ordinarily self-administered, that have been specifically ordered by a physician;

(6) Performing such incidental household services as are essential to the patient's health care at home.

(7) Reporting to the professional nurse supervisor changes in the patient's condition or family situation.

§ 405.1235 Condition of participation—selection of home health aides.

(a) *Condition.* The selection of each potential home health aide takes into account ability to read and write, to understand and carry out directions or instructions, and to record messages and keep simple records.

(b) *Recruitment policies and procedures.* Because home health aides may often be recruited from persons who have had little formal education and no health training, agencies need to establish and maintain specific policies concerning their selection. In addition to the capacities expressed in the condition, recruitment policies and procedures should take into account:

(1) Emotional and mental maturity, and

(2) Interest in and sympathetic attitude toward caring for the sick at home.

§ 405.1236 Condition of participation—training of home health aides.

(a) *Condition.* The home health agency determines that home health aides receive or have received a basic training program for home health aides.

(b) *Faculty for basic training.* Training in personal care services is given by a registered professional nurse (preferably a public health nurse). Physicians, nutritionists, physical therapists, medical social workers, and other health personnel are involved in appropriate aspects of the training program.

(c) *Basic training—content.* The following topics suggest the appropriate content for the basic training:

(1) The role of the home health aide as a member of the health services team.

(2) Instruction and supervised practice in personal care services of the sick at home (including personal hygiene and activities of daily living), with major attention being given to this aspect of training.

(3) Instruction in how to assist patients to achieve maximum self-reliance through relearning and modifying activities of daily living.

(4) Principles of good nutrition and nutritional problems of the sick and elderly.

(5) Meal planning, food purchasing and preparation of meals including special diets.

(6) Information on the process of aging and behavior of the aged.

(7) Information on the emotional problems accompanying illness.

(8) Principles and practices in maintaining a clean, healthy, and safe environment as well as a pleasant one that encourages morale building and self-help.

(9) What to report to the nurse supervisor in the home health agency, including changes in the patient's condition or family situation.

(10) Recordkeeping (when applicable).

(d) *Training—orientation.* Orientation of all home health aides to the agency's program should include:

(1) Policies and objectives of the agency.

(2) Information concerning the duties of a home health aide.

(3) The functions of other health personnel employed by the agency and how they relate to each other in caring for the patient.

(4) Information about other community agencies.

(5) Ethics and confidentiality.

(e) *Training on-the-job.* In addition to basic training and orientation, the home health aide should receive on-the-job instruction in carrying out procedures, and continuing in-service training.

(f) The time allotted to both classroom and on-the-job training should be sufficient to assure safe and skillful service for the patient.

§ 405.1237 Condition of participation—supervision of home health aides.

(a) *Condition.* The decision to assign a home health aide to a particular patient is made in accordance with the plan of treatment. (See § 405.1241 for conditions of participation relating to plan of treatment.) For each patient a registered professional nurse in an approved home health agency decides which personal care services a particular home health aide should give. The home health aide is not permitted to decide by herself what personal care services she will give.

(b) *Assignment of home health aides.* When the plan of treatment established by the physician includes home health aide services, selection of the particular aide should take into account:

(1) Successful completion of basic training.

(2) Patient's needs.

(3) The abilities of specific aides.

(4) The amount of supervision available.

(5) What the family can do for the patient.

(c) *Supervision of home health aide.* The professional nurse supervisor should provide direct supervision as necessary and be readily available at other times by telephone. The supervisor should be constantly evaluating the home health aide in terms of the aide's ability to carry out assigned duties, to relate well to the homebound patient, and to work effectively as a member of a team of health workers.

(1) When the home health aide carries out simple procedures with the patient, as an extension of physical, speech, or occupational therapy, supervision is also provided by the appropriate professional therapist on a regular recurring basis and frequently enough to assure sufficient review of individual treatment plans.

(2) Minimal supervision includes a home visit at least every 2 weeks by a member of the professional staff of the home health agency.

§ 405.1238 Condition of participation—services arranged for with another approved provider.

(a) *Condition.* When a home health agency makes arrangements for the provision of home health services by another agency which is approved as a provider of services, there is a written agreement which includes the following:

(1) Designates the services which are being arranged for. Services provided are to be within the scope and limitations set forth in the plan of treatment. Such services may be altered only upon the specific orders of the initiating home health agency issued as a result of a change made by the physician in the patient's plan of treatment.

(2) Describes how the contracted personnel, where applicable, are to be supervised.

(3) Provides for the recording of the progress notes and observations of the contracted personnel in the initiating home health agency records for purposes of planning and evaluating patient care.

(4) Specifies the financial arrangements. Only the initiating home health agency may bill the patient or the health insurance program.

(b) *Illustrative examples of arrangements are:*

(1) The home care department of a hospital arranges for the provision of nursing services by a visiting nurse association, the nursing division of a health department, or a combination agency.

(2) Three hospitals join together to organize a single home health program to serve ex-patients of all the hospitals and other patients in the community who do not need hospital care but are ill and homebound. Each hospital is an approved provider of hospital care. One of the hospitals agrees to serve as the core agency and to seek certification as a home health agency. The core agency appoints a physician or registered professional nurse to supervise agency operations. The other two hospitals each appoint a coordinator; e.g., a physician, nurse, or social worker. Physical, speech, and occupational therapy are provided by a combination of the part-time services of such personnel in each hospital. Nursing services are arranged for with the visiting nurses' association.

(3) (i) In some communities, a public or nonprofit voluntary health agency administers a community-wide program which involves several or many hospitals, the Visiting Nurse Association and/or the health department. The primary functions of this type of home health

agency are (a) the continuing evaluation of patient needs, (b) assigning patients with fairly uncomplicated needs directly to the Visiting Nurse Association or the health department nursing service, and (c) arranging for and coordinating the services of the several hospitals and nursing organizations in providing a comprehensive array of services to patients with complicated needs.

(ii) The agency usually employs a full-time nurse administrator, a part-time physician coordinator and medical social workers. The medical social workers provide direct services to patients. The physician coordinator maintains liaison with the physician responsible for the patient's care.

(iii) In these communities there could be certified as home health agencies (a) some or all of the hospitals involved; (b) the central coordinating agency; (c) the Visiting Nurse Association; and (d) the health department nursing service.

§ 405.1239 Condition of participation—services arranged for with a nonparticipating provider.

(a) *Condition.* When a home health agency arranges for services with an agency that is not an approved provider of services, a contract is written.

(b) *Contract provisions.* The contract includes all of the following points:

(1) Designates the services which are being arranged for.

(2) Specifies the period of time the contract is to be in effect (if for a specified time) and how frequently it is to be reviewed. Preferably, the contract should be reviewed and renewed yearly.

(3) Describes how the contracted personnel are to be supervised.

(4) States that home health services provided to the patient are in accordance with a plan established by the patient's physician in conjunction with home health agency staff and, when appropriate, others involved in the patient's care. Services provided are to be within the scope and limitations set forth in the plan and may not be altered in type, scope, or duration by the secondary agency.

(5) Assures that personnel and services contracted for meet the same requirements as those specified for home health agency personnel and services, including personnel qualifications, functions, supervision, orientation, and in-service training.

(6) Specifies the method of determining charges and reimbursement by the home health agency for specific services contracted for. Only the initiating home health agency may bill the patient or the Health Insurance Program.

(c) *Kinds of arrangements.* Kinds of arrangements with a nonparticipating agency:

(1) A participating home health agency arranges for home health aides from a family service association and/or an independent homemaker service which is not eligible as a home health agency.

(2) A participating home health agency arranges for other therapeutic

services to be provided in the patient's place of residence from a health agency which is not eligible as a provider of service.

§ 405.1240 Condition of participation—acceptance of patients.

(a) *Condition.* The home health agency has written policies to be followed in making decisions on the desirability and practicality of accepting patients for care. Such decisions are based on medical, nursing and social information provided by the physician responsible for the patient's care, by institutional personnel and by staff of the home health agency.

(b) *Considerations relevant to the acceptance of patients include:*

(1) Adequacy and suitability of agency personnel and resources to provide the services required by the patient.

(2) Attitudes of patient and his family toward his care at home.

(3) Comparative benefit to the patient's health of care at home as distinguished from care in a hospital or extended care facility.

(4) Reasonable expectation that patient's medical, nursing, and social needs can be met adequately in his residence, including a plan to meet medical emergencies.

(5) Adequate physical facilities in the patient's residence for his proper care.

(6) Availability of family or substitute family member able and willing to participate in patient's care.

(c) *The following illustrates this condition.* Although the provision of skilled nursing services is a basic condition of participation to qualify a home health agency as a provider of service, not all persons accepted for home health services will require skilled nursing. Some may require skilled nursing only on an intermittent basis while requiring physical or speech therapy fairly regularly.

§ 405.1241 Condition of participation—establishment and review of plan of treatment.

(a) *Condition.* A home health agency has established policies and procedures for assuring that services and items to be provided are specified under a plan of treatment established and regularly reviewed by the physician who is responsible for the care of the patient.

(b) *Certification.* For the purpose of the home health agency receiving payment, the physician certifies, when establishing the plan of treatment, that the patient is essentially homebound and requires skilled nursing care on an intermittent basis or physical or speech therapy. The physician recertifies at least once every 2 months that these factors are still applicable. Under the hospital insurance benefits plan only, he also indicates that the services have been or will be provided to treat any of the conditions with respect to which the patient was receiving inpatient services while in a hospital or extended care facility.

(c) *Plan of treatment.* (1) The original plan of treatment is signed by the physician who is responsible for the care

of the patient and incorporated in the record maintained by the agency for the patient.

(2) The total plan is reviewed by the attending physician, in consultation with agency professional personnel at such intervals as the severity of the patient's illness requires, but in any instance, at least once every 2 months. The professional registered nurse, physical, occupational, and speech therapists are expected to bring to the attention of the physician changes in the patient's condition which indicate the need for altering the treatment plan or for terminating services.

§ 405.1242 Condition of participation—physician's original drug orders and changes in orders.

The following are signed by the physician and incorporated in the patient record maintained by the agency:

(a) Original orders for drugs;

(b) Changes in orders for the administration of narcotics, those drugs subject to the Drug Abuse Control Amendments of 1965, and other legend drugs (i.e., requiring prescriptions). All other changes in drug orders are either signed by the physician or by a registered professional nurse in the agency if such changes are given to her orally.

§ 405.1243 Condition of participation—clinical records.

(a) *Condition.* The home health agency maintains for each patient a clinical record which covers the services the agency provides directly and those provided through arrangements with another agency; and which contains pertinent past and current medical, nursing, social, and other therapeutic information, including the plan of treatment.

(b) *The patient record.* The kinds of information which the patient record should contain are:

(1) *Admission data.* (i) Identifying data: Name, address, date of birth, sex, agency case number if it uses one, and social security number, and next of kin.

(ii) Whether the home health services benefit is (a) post hospital, (b) post extended care facility or (c) neither; and names of institutions and dates of discharge for (a) and (b) of this subdivision.

(iii) Date of admission for service.

(iv) Physician responsible for patient's care.

(2) *Clinical notes.* Clinical data includes:

(i) Diagnoses: All conditions which the patient has and which are relevant to the plan of treatment.

(ii) Nursing services: Level needed and frequency of visits (in agreement with the agency nursing staff); special care (dressing changes, catheter changes, etc.); observations, including specific observations to be brought to the immediate attention of the physician.

(iii) Drugs: Type, dose, and frequency of each drug; caution concerning special side effects, drug allergies; nonprescription remedies which are contraindicated, e.g., aspirin with dicoumarol therapy.

- (iv) Diet: Regular or restricted.
 - (v) Activity: Degree allowed, e.g., bed-rest with bathroom privileges.
 - (vi) Rehabilitation plan: Activities of daily living, etc.
 - (vii) Occupational, speech, and physical therapy: Specific instructions for each service needed.
 - (viii) Medical social services.
 - (ix) Home health aide services.
 - (x) Medical supplies: Special dressings needed, oxygen, etc.
 - (xi) Medical appliances: Special devices needed, e.g., crutches, oxygen tent, etc.
- (3) *Discharge notes.* When home health services are terminated, the record should show the date and reason for termination (patient not in need of services, patient expired, transferred to home for aged, etc.).

[F.R. Doc. 68-10337; Filed, Aug. 26, 1968; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and in Secretary's Order No. 19-67 (32 F.R. 12980), I hereby revise 29 CFR 511.4 to read as set forth below.

As this revision concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As revised, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of \$70 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 21st day of August 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour
and Public Contracts Divisions.

[F.R. Doc. 68-10305; Filed, Aug. 26, 1968; 8:46 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on August 14, 1967, and published in the FEDERAL REGISTER on August 19, 1967 (32 F.R. 11988), it was provided that these designations would expire on June 30, 1968.

Pursuant to section 3(1) and section 11(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR, 1943-48 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1969. I further ratify and confirm all such age, employment or working certificates issued under 29 CFR 1500.21 between the expiration of the previous delegation on June 30, 1968, and the effective date of this document.

Signed at Washington, D.C., this 20th day of August, 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-10304; Filed, Aug. 26, 1968; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953*, is amended by deleting, in subdivision (1) thereof, the words "January 1, 1967", and inserting in lieu thereof the words "January 1, 1968".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App., section 1219)

Dated: August 22, 1968.

HERSCHEL C. LOVELESS,
Acting Chairman.

[F.R. Doc. 68-10321; Filed, Aug. 26, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16778; FCC 68-863]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Memorandum Opinion and Order Regarding Certain Band Edges

In the matter of amendment of Part 21 of the Commission's rules with respect to the 150.8-162 Mc/s band to allocate presently unassignable spectrum to the Domestic Public Land Mobile Radio Service by adjustment of certain of the band edges, Docket No. 16778.

1. The Commission has under consideration: (a) Its report and order in this proceeding released May 13, 1968 (FCC 68-515, 12 FCC 2d 841, 33 F.R. 7234); (b) a petition for reconsideration filed June 12, 1968, by Radio Relay Corp., a miscellaneous common carrier, requesting that the order be vacated and a hearing held to take testimony with respect to any anticompetitive consequences of the frequency allocations made in the order; (c) a petition for reconsideration filed June 17, 1968 by United States Independent Telephone Association (USITA), an association of independent telephone operators, requesting deletion or modification of the condition on the wireline common carrier license; and appropriate responsive pleadings.²

Radio Relay's petition. 2. Radio Relay, in its petition for reconsideration, alleges essentially that implementation of the Commission's report and order would carry with it the threat of elimination from the competitive market of one-way paging services of Radio Relay and hundreds of small common carriers similarly situated throughout the United States, by granting A.T. & T. the opportunity to monopolize a market which up until now has been highly competitive. Radio Relay contends that the Commission failed to "discuss or consider many of the monopolistic advantages which A.T. & T. holds over its smaller competitors by virtue of its size and resources," that more specifically A.T. & T. and Bell System can advertise and solicit customers at no cost, or a minimal cost at best;

¹ Request for stay of the effective date of the report and order was granted on June 14, 1968 (FCC 68-633, 13 FCC 2d 331, 33 F.R. 9021), pending consideration of the merits of the petition for reconsideration filed by Radio Relay Corp.

² Also before the Commission are: Comments in support of Radio Relay's petition filed by Page Call, Inc. (MCC); opposition to the petition filed by American Telephone and Telegraph (AT&T); and Radio Relay's reply thereto. National Association of Radiotelephone Systems (NARS) opposed USITA's petition, and USITA replied. Radio Pages' letter in support of Radio Relay's request is untimely filed and therefore, not considered as an official pleading in this proceeding.

that their pricing and rate philosophy as well as the tactics of using higher monopoly profits from one product or service to support lower prices to injure competitors in other areas of endeavor, could be extended to this service; that since with A.T. & T. and Bell System's entry into the field comes hand in hand the entry of Western Electric, the "disastrous consequences which could flow to companies such as Bogen and Motorola, which currently supply equipment, must be considered"; that the Commission failed to give consideration to all of these monopolistic advantages and the impact on the smaller competing common carrier, because the Commission was not in possession of all of the pertinent information; and that an evidentiary hearing is now necessary in order to cull all of the crucial facts.

3. Contrary to Radio Relay's allegations, the Commission did consider and discuss very thoroughly this very question of competitive impact on the small carriers. We concluded however, that the separate allocations of the frequencies as proposed to be used specifically for one-way paging, should not result in the dire consequences alluded to by Radio Relay and some of the others, and that in the final analysis would best serve the public interest. (See paragraphs 10 through 19, report and order.) However, we believe that a brief review of the background of the proceeding would serve to dispel any further questions.

4. This rule-making proceeding was instituted pursuant to A.T. & T.'s request in 1964 that it be granted the guard band frequencies in order to provide one-way paging service. On July 22, 1966 a notice of inquiry was issued, and followed by a notice of proposed rule making on August 16, 1967. In our notice of proposed rule making we stated that we were interested in determining "What effect, if any, would such assignment (the allocations as proposed) have on the ability of nonwireline carriers to compete with wireline carriers in the provision of one-way service?" (para. 16b), and asked that the parties address themselves specifically to that issue. Approximately 60 parties participated and upwards of 70 pleadings were filed airing all viewpoints.

5. Radio Relay participated throughout the proceeding, filing pleadings at each of the stages.^{*} In its Comments, Radio Relay urged *inter alia* that the Commission, if it afforded the wireline carriers the separate allocation, would be creating and establishing an unfair basis for competition since A.T. & T. and Bell Systems would have the opportunity to advertise and make public release at almost no cost; that they would have the opportunity to utilize their unfair rate and pricing philosophy; and generally they would be in a position to take advantage of their monopolistic positions. The Commission carefully considered all of these contentions, as we did the contentions raised by other nonwireline

carriers, and concluded that although the situation postulated by Radio Relay could occur, we believed that Radio Relay overstated the danger. We based our conclusions on a composite of the situation nationwide, taking into consideration the overall need for an immediate avenue of relief for a growing and expanding service.

6. We did recognize in our report and order that a competitive imbalance could prevail under certain circumstances. In order to avoid any undue advantages we devised conditions on the wireline carriers license designed to obviate and to equalize the situation. We expect the wireline carriers to honor the spirit as well as the letter of the conditions and refrain from any unfair practices and specifically not to take or seek advantages from the fact that as common carriers they have ready access to the general public. The allocations as proposed do not carry with them the *carte blanche* right to operate, but merely make the frequencies available for application. Since we will retain at all times the power of the licensing function, we will have sufficient opportunity for appropriate scrutiny. We will in the exercise of our continuing regulatory authority inquire into any practices which may develop which appear to be unlawful, anticompetitive, or inimical to the public interest and will not hesitate at the time to take such action as may be required to protect the public interest to the fullest extent, viewing any activity contrary to the conditions to be a violation of the license subject to the penalties imposed by the Communications Act (47 U.S.C. § 502), as well as the basis for loss of license.

7. The competition between the nonwireline carriers and the wireline carriers is not new or novel. The development of competing systems, techniques and equipment has been fostered by the Commission since as far back as April 1949, when the report and order in the general mobile service (Docket Nos. 8658, et al.) was adopted for the very purpose of developing competing systems and establishing systems operated by the telephone companies and those operated by enterprises other than telephone companies.⁴ In 1963, this original policy and purpose was again found to be salutary. ITT Mobile Telephone, Inc., FCC 63-1064, 1 RR 2d 957. The Bell System, independent telephone companies and MCCs have accordingly been operating in competition throughout this period. Eleven of the top 40 cities are now being served by telephone companies and thirty-six of the top 40 are being served by MCCs. The telephone companies and the MCCs compete in 13 of these cities—11 with Bell Systems and two with independent telephone companies. Of the 170 one-way signaling stations authorized na-

tionwide, 25 are Bell operations; nine independents; and 136 MCCs. (See paragraphs 6, 7, 8, report and order.)

8. We note first that none of the allegations made by Radio Relay relate to newly discovered evidence or facts. The considerations urged by it were present when we initiated this proceeding more than 2 years ago. Radio Relay did not however, seek a hearing until after our report and order was issued last May. Radio Relay does not explain or justify its failure to raise this matter earlier and fails therefore, to show good cause for its delay until this point. These facts must be considered in the light of the fact that section 4 of the Administrative Procedure Act, 5 U.S.C. 553, requires that interested persons be given an opportunity to participate in rule making proceedings through submission of written data, views or arguments, but leaves the question of oral presentation discretionary. Similarly there is no requirement for oral presentation under these circumstances included in the Communications Act of 1934, as amended, or the Commission rules. Hence, if Radio Relay was of the view that a hearing for the taking of testimony would be useful, it was incumbent upon it to make such a request at an early stage of the proceeding, if not at the outset. This it failed to do although as indicated *supra*, it participated throughout this lengthy proceeding. To afford Radio Relay the opportunity to now delay the rule making proceeding would appear to be contrary to good administrative practices permitting proceedings to reach orderly fruition in a timely fashion, and contrary to the public interest. *Valley Telecasting Co., Inc. v. F.C.C.*, 336 F. 2d 914 (C.A.D.C. 1964); see also *Springfield Television Broadcasting Corp. v. F.C.C.*, 328 F. 2d 186 (C.A.D.C. 1964).

9. Radio Relay bases its request on virtually the same generalizations as it made originally in its comments. We found then that the information was not sufficient to constitute a threshold showing and we find no cause to alter this position. Its present contention is essentially that if the Commission would hold a hearing at this time evidence could probably be brought forth with respect to these certain individual practices. However, it makes no indication of the nature of this evidence or how it would be meaningful.

10. Radio Relay does raise one new matter, namely its reference to the "disastrous consequences" upon the equipment manufacturers which will result by Western Electric's entry via A.T. & T. However, it offers no specific data to support its speculation as to these disastrous consequences. Even more relevant is the fact that none of the manufacturers in whose interest Radio Relay made its allegations had themselves raised this point. Furthermore, none joined Radio Relay in its petition or filed comments in support thereof. Bogen Communications and Motorola, Inc., the two manufacturers specifically mentioned by Radio Relay, each filed comments in the rule-making

^{*} See Comments on Radio Relay, filed Oct. 23, 1967 (26 pages of text plus 58 pages of exhibits attached), and Reply Comments filed Dec. 15, 1967.

⁴ The first station was authorized to Pacific Telephone & Telegraph Company on a developmental basis at San Diego, California on April 14, 1948. The first MCC now in operation was authorized to New York Technical Institute of Cincinnati, Inc., Cincinnati, Ohio on May 13, 1952.

proceeding and neither ventured an opinion for or against the proposed allocation. Bogan stated that it was supplying equipment to both radio common carriers and landline common carriers, while Motorola pointed out the growing need for one-way paging. Under these circumstances we cannot find that Radio Relay's allegations in this respect render a basis for reconsideration and hearing.

11. Radio Relay's individual areas of concern are likewise similar to those previously alleged. However, since the rules proposed in this rule-making proceeding are intended for general applicability on a nationwide basis, see section 2 APA, 5 U.S.C. 551(4), we believe that these allegations can more appropriately be considered in an adjudicatory framework, that is in an opposition to an application by Bell to provide service in the New York market. See *Logansport Broadcasting Corp. v. United States et al.*, 93 U.S. App. D.C. 342, 210 F. 2d 24 (1954). Of particular noteworthiness in this connection, is the fact that separate allocations to the wireline and nonwireline carriers eliminates only the question of electrical mutual exclusivity between competing operations, but leaves open for subsequent resolution economic mutual exclusivity. Hence the viability of a system will continue to be in issue and can be raised by Radio Relay or any other MCC. Radio Relay would create the erroneous impression that on this basis the MCCs could be called upon to indulge in an astronomical number of protest proceedings. On the contrary, the MCC in a given community will only be involved in a contest with the wireline carrier in the same community. However, unlike those instances in which applicants compete for the same frequencies and are subject to usually both the electrical and economic mutual exclusivity issues, by making the separate allocations as proposed the burden of the electrical exclusivity issue is eliminated, and only the economic issue left, together with any other issues which may be found necessary and pertinent.

12. Further, we pointed out in our report and order that we are not usurping any of the requirements or powers vested in the State or local authorities with respect to rates, franchises, etc. The telephone companies will, therefore, continue to be required to file their tariffs with the public utilities commissions, or any other designated regulatory authority, in the communities in which they seek to operate. Thus, the nonwireline carrier will in any particular instant have two separate forums within which to seek relief should it feel that any unfair competitive practices prevail.

13. Radio Relay alleges that the "courts have consistently held that regulatory agencies should consider the antitrust consequences of any proposed action in assessing the public interest, convenience and necessity." We take no issue with this general proposition. The goals of the antitrust policy set forth by Radio Relay are not in dispute. Nor are we disputing the desirability for an agen-

cy to refer to antitrust guidelines where closely related to the public interest requirements. And we have in this instance adhered to the goals and guidelines. We have made available to wireline and nonwireline carriers the same number of frequencies; we insulated the nonwireline carriers from unfair practices; we retained the power of the licensing function to assure the adherence to the condition; the economic mutual exclusivity continues in issue on an individual ad hoc basis; and each type of carrier is afforded an equal opportunity to compete. Under these circumstances, absent some specific showing there is no basis for us to assume that our rule making proceeding will result in the establishment of a coalition to suppress competition (*U.S. v. Aluminum Co. of America* 148 F. 2d 416 (1945)); or that there is in existence a combination or conspiracy to acquire and maintain power to exclude competition to a substantial extent (*American Tobacco Co. v. United States*, 328 U.S. 781 (1946)); or that a merger is contemplated (*FTC v. Procter & Gamble Co.*, 386 U.S. 568 (1967)).

14. Finally, it is relevant to note that of the 136 MCC's now authorized, all of whom could reasonably be expected to face the same dangers Radio Relay postulates, one other filed a timely pleading in support of the Radio Relay request. This in itself can be taken to indicate that Radio Relay's fears are not substantial or that the conditions we imposed to prevent unfair competition are considered adequate by such MCCs.

15. We will therefore, on the basis of all of the foregoing, deny Radio Relay's petition for reconsideration.

USITA's petition. 16. USITA in its petitions seeks deletions, or in the alternative modification, of the conditions attached to the licenses of the wireline common carriers using these newly designated pair of frequencies for one-way signaling. Two basic contentions constitute the crux of USITA's position: (a) that the notice of proposed rule making did not specifically contemplate the imposition of the condition, so that telephone companies were taken by surprise by the report and order; and (b) that since one-way signaling is a telephone exchange service, regulation thereof is beyond Commission jurisdiction, and is within the purview of state and local authority.

17. In response to USITA's first contention, we believe that the conditions as imposed clearly come within the text and scope of the notice of proposed rule making, *supra*. In our notice we sought comments with respect to two specific issues;

16. b. What effect, if any, would such assignment have on the ability of nonwireline carriers to compete with wireline carriers in the provision of one-way service?

c. In light of answers to the foregoing questions, should the Commission make an assignment of two frequencies to wireline carriers to be used exclusively in providing a one-way signaling service or would the public interest better be served by not making any assignment of these frequencies to wireline carriers?

USITA and all the other parties were thus aware of the two alternatives; namely that the Commission could either allocate or refuse to allocate the frequencies to the wireline carriers depending upon which action would better serve the public interest. Included in such alternative is, of course, the making of a conditional grant. In this connection, we stated in our notice, that we would in reaching our decision, take into account any relevant information before us. (paragraph 19, Notice). In keeping with this reservation we weighed all of the factors before us and concluded that an unconditional allocation of these frequencies was not in keeping with the public interest, but by the same token an outright denial would likewise not serve the public interest. On balance we determined that the more effective option would be to grant the frequencies but with the conditions as imposed. This we felt would best serve the interests of all of the parties and inure to the benefit of the public. We believe in addition that not only does our action clearly come within the text and scope of the notice, but comports with the provisions of the APA and the Communications Act. Notice in rule making proceedings is required to include "a description of the subjects and issues involved." Section 4, Administrative Procedure Act, 5 U.S.C. 553(b)(3). The notice in this instance was sufficiently specific so as to fulfill the statutory requirement. *Logansport Broadcasting Corp. v. United States*, *supra*. See also *Wilson & Co., Inc., et al. v. United States et al.*, 335 F. 2d 788 (1964), cert. denied 380 U.S. 951 (1965).

18. Concurrent with the APA requirement is the fundamental precept that we act in the public interest, convenience and necessity in making rules, regulations, and prescribing restrictions and conditions (47 U.S.C. 303(r)). In this posture we weighed all of the information before us and concluded that unless we did place upon the wireline carriers a condition which we believed would stabilize the competitive balance, the opportunity for the nonwireline carriers to compete effectively could conceivably be jeopardized and ultimately the public interest adversely affected (paragraphs 17 and 19, Report and Order). We believe that the placing of the condition on the wireline operation is not inconsistent with the statute or Communications Act but necessary in the execution of our regulatory authority and function.

19. USITA's second argument, to wit that by imposing the condition we are usurping state and local authority, indicates a misinterpretation of our report and order. A reading of our order shows clearly that we are not infringing on any of the normal functions of state regulatory commissions. They will continue as heretofore to franchise and to regulate rates and services within their jurisdictions. Our conditions were designed to assure that the frequencies we were making available for licensing were used in a manner consistent with the public interest, that is to maintain a balance between the carriers so that the wireline

carriers would not be permitted to take advantage or benefit from certain advantages which they had to the detriment of the nonwireline carriers. The preservation of this competitive balance in the public interest with respect to the use of the radio facilities, we believe, is very much our proper concern. *United States et al., v. Southwestern Cable Co., et al., U.S. _____, 88 Sup. Ct. 1994 (June 1968).* Hence, here again on the basis of all of the information before us we believe that the public interest would best be served by a denial of USITA's request for deletion and/or modifications of the condition.

Accordingly, it is ordered, That the petitions for reconsideration filed by Radio Relay Corp. on June 12, 1968, and The United States Independent Telephone Association on June 17, 1968, in the above-entitled proceeding are hereby denied.

It is further ordered, That the staying of the effective date of the one-way signaling rules pursuant to memorandum opinion and order released June 14, 1968 (FCC 68-633, 33 F.R. 9021) is hereby vacated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 21, 1968.

Released: August 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 68-10340; Filed, Aug. 26, 1968; 8:49 a.m.]

[Docket No. 18071; FCC 68-849]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Extension of Certain Geographical Areas of Communications

Report and order. In the matter of amendment of Parts 81 and 83 of the Commission's rules to extend the geographical area of communications to the vessels navigating in the Pacific Ocean on the frequencies designated for use with Public Coast stations in the vicinity of Miami, Fla., Docket No. 18071, RM-780, RM-786.

1. The Commission on March 13, 1968, adopted a notice of proposed rule making in the above-entitled matter (FCC 68-273) which made provision for the filing of comments. The notice was published in the FEDERAL REGISTER on March 20, 1968 (33 F.R. 4747). The time for filing of comments and reply comments was specified as April 25 and May 10, 1968, respectively.

2. The notice of proposed rule making was based on petitions filed in May, 1965, by the American Tunaboat Association and National Marine Terminal, Inc., San Diego, Calif., on behalf of fishing vessels operating in the Pacific Ocean and

³ Commissioners Cox and Johnson dissenting; Commissioner Wadsworth absent.

particularly the eastern tropical and southern areas. The detailed reasons for Petitioners' requests were included in the notice of proposed rule making. In general, these parties requested rule changes to enable the subject vessels to exchange communications with the Public Coast station at Miami, Florida as well as the station at San Francisco, Calif., because under certain propagation conditions the vessels were unable to contact the San Francisco station.

3. Compliance with Petitioners' requests involves the modification of geographical restrictions in §§ 81.306(a)(2) and 83.355(a)(1) of the rules so that paired frequencies in the 8 and 13 Mc/s bands available for communicating with the Miami Public Coast station can be used when ships are in the Pacific as well as the Gulf of Mexico and the Caribbean areas.

4. The American Telephone & Telegraph Co., which operates both the San Francisco and Miami Public Coast stations, has filed comments in support of the proposed rule amendments. In addition, upon receipt of the petitions for rule changes in this matter, the company was granted a developmental authorization to allow the Miami station to communicate with vessels in the Pacific as proposed in this proceeding. The Company reports that appreciable traffic has been handled under this authorization with no interference caused to the communications of other countries who have priority in the use of these frequencies. No objections to the proposed rule changes were received.

5. In view of the foregoing, we conclude that Petitioners' requests for rule changes should be granted: *And it is ordered.* Pursuant to the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended, that effective October 1, 1968, Parts 81 and 83 of the Commission's rules are amended as set forth below.

6. *It is further ordered.* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 21, 1968.

Released: August 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

Part 81 and 83 of the Commission's rules are amended as follows:

1. In § 81.306(a)(2), footnote 2 is amended to read as follows:

² Available for communication with ship stations in the Gulf of Mexico, the Caribbean area and the Pacific Ocean only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

§ 81.306 Frequencies available below 27.5 Mc/s.

(a) * * *
(2) * * *

* * * * *
³ Commissioner Wadsworth absent.

2. In § 83.355(a)(1), footnote 2 is amended to read as follows:

² Available to ship stations in the Gulf of Mexico, the Caribbean area, and the Pacific Ocean for communication with coast stations in the vicinity of Miami, Florida. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

(a) * * *
(1) * * *

* * * * *
[F.R. Doc. 68-10341; Filed, Aug. 26, 1968; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in Alaska

Section 10.51 appearing on page 10730 of the FEDERAL REGISTER of July 27, 1968, is amended by adding after the table of open seasons the following:

* * * * *
Shooting hours: One-half hour before sunrise until sunset.

* * * * *
(40 Stat. 755; 16 U.S.C. 703 et seq.)

This amendment is effective upon publishing in the FEDERAL REGISTER.

A. V. TUNISON,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 20, 1968.

[F.R. Doc. 68-10324; Filed, Aug. 26, 1968; 8:48 a.m.]

PART 32—HUNTING

Certain Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. No vehicular travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport

RULES AND REGULATIONS

Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Grays Lake National Wildlife Refuge, Soda Springs, Idaho 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition: Only antelope may be hunted on Camas Refuge.

Grays Lake National Wildlife Refuge, Soda Springs, Idaho 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Special condition: Deer may be hunted on the Snake River Island sector only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1969.

JOHN D. FINDLAY,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

AUGUST 16, 1968.

[F.R. Doc. 68-10299; Filed, Aug. 26, 1968;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1968, and ending June 30, 1969, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$74,625.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be \$0.023 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1969, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 68-10346; Filed, Aug. 26, 1968;
8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order 603]

INDUSTRY COMMITTEES FOR NEW COVERAGE EMPLOYMENTS IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004) and 29 CFR Part 511, I hereby appoint the following committees:

1. Industry Committee No. 76-A for the construction industry in Puerto Rico, as defined in 29 CFR 726.1.
2. Industry Committee No. 76-B for the local transit industry in Puerto Rico, as defined in 29 CFR 722.1.
3. Industry Committee No. 76-C for the 1966 coverage classification of the shoe and related products industry in Puerto Rico, as defined in 29 CFR 601.2 (b); 1966 coverage classifications of the leather, leather goods, and related products industry in Puerto Rico, as defined in 29 CFR 602.2(c); 1966 coverage classification of the fabric and leather glove industry in Puerto Rico, as defined in 29 CFR 603.2(c); 1966 coverage classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, as defined in 29 CFR 604.2(c); 1966 coverage classification of the electrical, instrument, and related products industry in Puerto Rico, as defined in 29 CFR 606.2(c); 1966 coverage classifications of the handkerchief, scarf, and art linen industry in Puerto Rico, as defined in 29 CFR 608.2(c); 1966 coverage classifications of the women's and children's underwear and women's blouse industry in Puerto Rico, as defined in 29 CFR 609.2(c); 1966 coverage classification of the children's dress and related products industry in Puerto Rico, as defined in 29 CFR 610.2(c); 1966 coverage classification of the sweater and knit swimwear industry in Puerto Rico, as defined in 29 CFR 611.2(b); 1966 cov-

erage classification of the needlework and fabricated textile products industry in Puerto Rico, as defined in 29 CFR 612.2 (h); 1966 coverage classifications of the straw, hair, and related products industry in Puerto Rico, as defined in 29 CFR 613.2(c); 1966 coverage classification of the corsets, brassieres, and allied garments industry in Puerto Rico, as defined in 29 CFR 614.2(c); 1966 coverage classifications of the men's and boys' clothing and related products industry in Puerto Rico, as defined in 29 CFR 615.2(c); 1966 coverage classifications of the button, jewelry, and lapidary work industry in Puerto Rico, as defined in 29 CFR 616.2 (c); 1966 coverage classification of the alcoholic beverage and industrial alcohol industry in Puerto Rico, as defined in 29 CFR 619.2(b); 1966 coverage classification of the banking, insurance and finance industry in Puerto Rico, as defined in 29 CFR 661.2(b); 1966 coverage classifications of the chemical, petroleum, and related products industry in Puerto Rico, as defined in 29 CFR 670.2(d); 1966 coverage classification of the communications, utilities, and transportation industry in Puerto Rico, as defined in 29 CFR 671.2(c); 1966 coverage classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, as defined in 29 CFR 672.2(b); 1966 coverage classification of the food and related products industry in Puerto Rico, as defined in 29 CFR 673.2(q); 1966 coverage classification of the lumber and wood products industry in Puerto Rico, as defined in 29 CFR 675.2(e); 1966 coverage classification of the paper, paper products, printing, and publishing industry in Puerto Rico, as defined in 29 CFR 677.2(c); 1966 coverage classifications of the stone, clay, glass, cement, and related products industry in Puerto Rico, as defined in 29 CFR 678.2(d); 1966 coverage classification of the retailing, wholesaling, and warehousing industry in Puerto Rico, as defined in 29 CFR 683.2(d); 1966 coverage classifications of the hosiery industry in Puerto Rico, as defined in 29 CFR 687.2(c); 1966 coverage classification of the artificial flower, decoration, and party favor industry in Puerto Rico, as defined in 29 CFR 688.2 (c); 1966 coverage classification of the sugar manufacturing industry in Puerto Rico, as defined in 29 CFR 689.2(b); 1966 coverage classification of the fabricated plastic products industry in Puerto Rico, as defined in 29 CFR 690.2(c); 1966 coverage classifications of the textile and textile products industry in Puerto Rico, as defined in 29 CFR 699.2(c); and for the 1966 coverage classification of the

rubber products industry in Puerto Rico, as defined in 29 CFR 720.2(c).

4. Industry Committee No. 77-A for the retail trade industry in Puerto Rico, as defined in 29 CFR 721.1(a).

5. Industry Committee No. 77-B for the laundry and cleaning industry in Puerto Rico, as defined in 29 CFR 723.1.

6. Industry Committee No. 78-A for the hotel and motel industry in Puerto Rico, as defined in 29 CFR 728.1.

7. Industry Committee No. 78-B for the restaurant and food service industry in Puerto Rico, as defined in 29 CFR 729.1.

8. Industry Committee No. 79-A for the education industry in Puerto Rico, as defined in 29 CFR 725.1.

9. Industry Committee No. 79-B for the hospital and related institutions industry in Puerto Rico, as defined in 29 CFR 724.1.

10. Industry Committee No. 80 for the agriculture industry in Puerto Rico, as defined in 29 CFR 727.1.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and 29 CFR Part 511, I hereby convene each of the above appointed industry committees, refer to each of the committees the question of the minimum wage rate or rates to be recommended for the industry defined for it, and give notice of the hearing to be held by each of the committees.

Industry Committee No. 76-A shall meet in executive session at 9:30 a.m. on October 21, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committees No. 76-B and 76-C shall convene separately and in sequence in the same place on days and at hours designated and announced by their respective chairmen to conduct their investigations and hold their hearings.

Industry Committee No. 77-A shall meet in executive session at 9:30 a.m. on October 28, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committee No. 77-B shall convene in the same place on the day and at the hour designated and announced by its chairman to conduct its investigation and hold its hearing.

Industry Committee No. 78-A shall meet in executive session at 9:30 a.m. on November 12, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry

Committee No. 78-B shall convene in the same place on the day and at the hour designated and announced by its chairman to conduct its investigation and hold its hearing.

Industry Committee No. 79-A shall meet in executive session at 9:30 a.m. on November 18, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committee No. 79-B shall convene in the same place on the day and at the hour designated and announced by its chairman to conduct its investigation and hold its hearing.

Industry Committee No. 80 shall meet in executive session at 9:30 a.m. on December 9, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place.

Each industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, Industry Committee No. 80 shall not recommend minimum wage rates in excess of \$1.15 an hour for the period ending January 31, 1969, nor in excess of \$1.30 an hour thereafter, and none of the other industry committees shall recommend minimum wage rates in excess of \$1.15 an hour for the period ending January 31, 1969, nor in excess of \$1.30 an hour for the period beginning February 1, 1969 and ending January 31, 1970, nor in excess of \$1.45 an hour thereafter.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in its industry than may be determined for other employees in its industry, the committee shall recommend such reasonable classifications within its industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein,

which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex.

In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator of the Wage and Hour and Public Contracts Divisions shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of each such report may be obtained prior to the hearings at the Washington and Puerto Rican offices of the U.S. Department of Labor as soon as they are completed. Each industry committee shall take official notice of the facts stated in the economic report for its industry. Parties shall, however, be afforded an opportunity to refute such facts by evidence received at the hearings.

The procedure of each industry committee shall be governed by the regulations published in 29 CFR Part 511. As a prerequisite to participation, interested persons must file pre-hearing statements containing the data specified in 29 CFR 511.8. Those desiring to participate in a hearing to be held by Industry Committees No. 76-A, No. 76-B, or No. 76-C shall file such statements not later than October 11, 1968; those desiring to participate in a hearing to be held by Industry Committees No. 77-A or No. 77-B shall file such statements not later than October 18, 1968; those desiring to participate in a hearing to be held by Industry Committees No. 78-A or No. 78-B shall file such statements not later than November 2, 1968; those desiring to participate in a hearing to be held by Industry Committees No. 79-A or No. 79-B shall file such statements not later than November 8, 1968; and those desiring to participate in the hearing to be held by Industry Committee No. 80 shall file such statements not later than November 29, 1968.

Signed at Washington, D.C., this 21st day of August 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-10306; Filed, Aug. 26, 1968; 8:46 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SO-67]

**DESIGNATION OF CONTROL ZONE
AND TRANSITION AREA****Proposed Designation**

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Alma, Ga., part-time control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attn.: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the **FEDERAL REGISTER** will be considered before action is taken on

the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Alma part-time control zone would be designated as:

Within a 3-mile radius of Bacon County Airport; within 2 miles each side of the Alma VORTAC 146° and 334° radials, extending from the 3-mile radius zone to 8 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

The Alma part-time transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bacon County Airport. This transition area is effective from 0600 to 2200 hours, local time, daily.

The proposed part-time control zone and transition area would provide controlled airspace protection for IFR aircraft during climb to 1,200 feet above the surface and during descent below 1,500 feet above the surface. Two prescribed instrument approach procedures to this airport, utilizing the Alma VORTAC, are proposed in conjunction with the designation of this part-time control zone and transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on August 15, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-10313; Filed, Aug. 26, 1968;
8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army STATEMENT OF ORGANIZATION AND FUNCTIONS

Description of Central and Field Agencies

Section 3 of the Statement of Organization and Functions, appearing at 32 F.R. 13016-13028, September 13, 1967, is amended by revising paragraph (b), U.S. Army Materiel Command, to read as follows:

Sec. 3. Major Army Field Commands.

(b) *U.S. Army Materiel Command.* (1) *Purpose.* This paragraph sets forth the mission and principal continental United States and worldwide functions of the Commanding General, U.S. Army Materiel Command, and prescribes command and staff relationships with higher and collateral headquarters.

(2) *Definitions.* (i) The U.S. Army Materiel Command comprises the Headquarters, major subordinate commands, including installations and activities assigned thereto, and separate installations and activities together with all assigned personnel.

(ii) Continental U.S. wholesale supply and maintenance system means that portion of the Department of the Army worldwide logistics responsibility beginning with requirements determination of an item and ending with its delivery to a continental U.S. customer (usually a post, camp, or station) or a continental U.S. terminal for shipment overseas.

(iii) Integrated commodity management comprises:

(a) Research, design, development, and modification.

(b) Test and evaluation.

(c) Maintenance support planning (AR 750-6), including initial repair parts, tools, test, and handling equipment provisioning (AR 700-19).

(d) Technical and engineering supervision and services including technical advisory service and product, production, maintenance, and human factors engineering.

(e) Technical data, cataloging, and standardization.

(f) Product assurance.

(g) Value engineering.

(h) Procurement and production.

(i) Integrated materiel inventory management (AR 700-5).

(j) Materiel and industrial mobilization planning, contingency planning, and maintenance of mobilization reserves and production base.

(k) Preparation or acquisition of technical publications.

(l) Technical direction and management of the depot maintenance program.

(m) Transportation, transportability and transportation engineering.

(3) *Mission.* The mission of the Commanding General, U.S. Army Materiel Command, a major commander of the Department of the Army is to—

(i) Perform assigned materiel and related functions of the Department of the Army comprising research and development; product improvement, production, maintenance, and human factors engineering; test and evaluation; procurement and production; product assurance; integrated materiel inventory management; new equipment training; scientific and technical intelligence production; international logistics programs; and storage and distribution, transportation, maintenance, demilitarization, and disposal as related to the continental U.S. wholesale supply and maintenance system, and systems overseas as directed by Headquarters, Department of the Army.

(ii) Develop and provide, in response to objectives and specific requirements established by Headquarters, Department of the Army, materiel and related logistics services to the Department of the Army, Department of the Army elements of unified and specified commands, and other United States and foreign customers.

(iii) Command subordinate commands, installations, and activities as may be assigned by Headquarters, Department of the Army; plan, program, coordinate requirements for, and supervise use of resources for accomplishing U.S. Army Materiel Command basic and support missions, functions, and responsibilities; budget and fund for financial resources as specified in AR 37-1; provide base operation and other support through subordinate commanders to Department of the Army, Department of Defense, or other Government activities which are tenants of or are satellite on U.S. Army Materiel Command installations; and satellite U.S. Army Materiel Command activities on other facilities for all or a portion of required base operation support when it is more economical.

(iv) Provide worldwide technical and professional guidance and assistance for planning and conducting logistics support of Army materiel.

(4) *Principal functions.* The principal functions of the Commanding General, U.S. Army Materiel Command, are to—

(i) Assist Headquarters, Department of the Army, in formulating the materiel portions of the Department of the Army program and to execute approved programs.

(ii) Within policy and guidance furnished by Headquarters, Department of the Army, for Department of the Army materiel and related logistics services, provide for—

(a) Integrated commodity management, as defined in subparagraph (2) (iii) of this paragraph.

(b) System status evaluation.

(c) Conduct or supervision of the conduct of Engineering Tests, Service Tests, and Initial Production Tests for all Army materiel designed for general use by the Army in the field or for which the U.S. Army Combat Developments Command is the user representative; conduct or supervision of the conduct of Engineering Design Tests, Contractor Demonstrations, R&D Acceptance Tests, Engineering Tests, Service Tests, Preproduction Tests, and Initial Production Tests for all U.S. Army Materiel Command-developed materiel; and assistance to other commands and agencies in the conduct of Confirmatory Tests, Troop Tests, and Field Experiments, Field Evaluations, and Combat Evaluations.

(d) Developing total Army procurement requirements, proposed procurement programs, and related data for PEMA (procurement of equipment and missiles, Army) principal items of materiel.

(e) Developing recommendations for type classification.

(f) Participation in developing and managing the Federal cataloging system, the Defense Standardization Program, and the Defense Technical Data Management Program.

(g) Developing and managing the Department of the Army initial repair parts provisioning program.

(h) Developing and managing the Department of the Army worldwide depot maintenance program.

(i) Worldwide technical advice and assistance through supply and maintenance liaison activities for assigned commodities; maintenance technical assistance; and arrange for the systematic interchange of supply information between the National Inventory Control Points, overseas commands, overseas inventory control points, and U.S. Continental Army Command.

(j) Developing and recommending to Headquarters, Department of the Army new and improved concepts, doctrine, systems, and procedures for wholesale logistics operations, and criteria for measuring its effectiveness.

(k) Detailed system design of wholesale standard logistics automatic data processing systems, and assistance to the Commanding General, U.S. Army Combat Developments Command in the development of the logistics automatic data processing systems involving an interface between wholesale supply and maintenance procedures and Army-in-the-field logistics, supply, and maintenance procedures.

(l) U.S. Army Materiel Command Division and U.S. Army Materiel Command Installations Division, Army Stock Fund operations.

(m) Receipt, storage, issue, stock control, maintenance, demilitarization, and disposal within the continental United States wholesale supply and maintenance system, and systems overseas as directed by Headquarters, Department of the Army.

(n) Transportation (to include traffic management) as it relates to continental U.S. wholesale supply and maintenance system.

(o) Operation and maintenance of assigned facilities, real property, and equipment.

(p) Specialized training of personnel in the materiel area to include new equipment training, in coordination with the Commanding General, U.S. Continental Army Command, and Commanding General, U.S. Army Combat Developments Command, to qualify test and evaluation personnel, key personnel, and instructors for schools, training centers, and units until the trained output of U.S. Army schools and training centers has become effective; special project training for which there is no adequate capability in the Department of the Army training base; management training in industrial or business-type activities of the continental U.S. wholesale supply and maintenance system; and training of foreign nationals.

(q) Developing, in coordination with U.S. Continental Army Command and U.S. Army Combat Developments Command, and submitting to Headquarters, Department of the Army, qualitative and quantitative personnel requirements information concerning U.S. Army Materiel Command functions which impact on the personnel management system.

(r) Support to Commanding General, U.S. Continental Army Command, and governmental agencies in civil defense and other domestic emergencies as directed.

(s) Logistic and planning support of Commanding General, U.S. Continental Army Command forces, Army elements of unified and specified commands, and other designated U.S. and foreign forces for contingency or wartime operation.

(t) Production of scientific and technical intelligence.

(u) Development of data for and technical review of tables of organization and equipment, tables of distribution and allowances, and other authorization documents.

(v) Promulgate approved Army wholesale logistics doctrine by means of field manuals and other doctrinal publications.

(w) Executing international logistics programs, to include furnishing advice, data, and other assistance in their development. These programs encompass coproduction and cooperative logistics, international research and development and standardization, grant aid, foreign military sales, and civilian aid.

(x) Management and operation of the DA equipment publications program.

(y) Conducting the Department of the Army portion of the Department of Defense Contractor Performance Evaluation Program.

(z) Petroleum logistics as assigned.

(iii) Within the policy, scope, and responsibilities of the Army Safety Program, provide for a comprehensive safety program in regard to Department of the Army materiel.

(iv) Technical direction, support and execution of Army Metrology and Calibration activities, and monitorship of the Army Metrology and Calibration System.

(v) Participate in developing and maintaining intra service support, and agreements thereto.

(vi) Support the Army Electromagnetic Compatibility Program in all of its program areas, and develop, maintain, and execute plans in its program areas of design, measurement techniques and instrumentation, standards and specifications, and test and evaluation.

(5) *Command and staff relationships.* The Commanding General, U.S. Army Materiel Command is under the supervision of the Chief of Staff, U.S. Army. Directives, authorities, policy, planning and programing guidance, approved programs, and resource allocations are issued to the Commanding General, U.S. Army Materiel Command by the Chief of Staff, U.S. Army; however, in matters involving procurement policy, contracting, technical data management and standardization which are within the responsibility of the Assistant Secretary of the Army (Installations and Logistics) the Commanding General, U.S. Army Materiel Command is under the direct supervision of and is authorized to communicate directly with the Assistant Secretary of the Army (Installations and Logistics).

(6) *Other relationships.* (i) The U.S. Army Materiel Command and the other major Army Commands are coordinate elements of the Department of the Army. The Commanding General, U.S. Army Materiel Command will maintain close liaison with and is authorized to communicate directly with other major commanders or heads of Headquarters, Department of the Army agencies in their command capacities with respect to matters of mutual interest.

(ii) The Commanding General, U.S. Army Materiel Command will—

(a) Coordinate appropriate research, development, test, and evaluation activities with heads of other materiel development agencies.

(b) Apprise other major Army commanders and agency heads of materiel developments which will have an impact on their operational missions, programs, and requirements, and will assure liberal exchange of information relative to their support of and interest in U.S. Army Materiel Command research, development, test and evaluation activities.

(c) Maintain liaison with other military services, the Defense Supply Agency, the Atomic Energy Commission, and the General Services Administration, as well as with industry, universities, and other governmental agencies to maintain an awareness of their developments and ex-

change information pertaining to matters of mutual interest.

(d) Have direct access to the Assistant Secretary of Defense (International Security Affairs) on Military Assistance Program matters specifically delegated by Headquarters, Department of the Army except those of a financial management nature.

(e) Assist U.S. Army Combat Developments Command in the review of authorization documents for adequacy of supply and maintenance organization and personnel; assist U.S. Army Combat Developments Command and U.S. Continental Army Command on matters associated with supply and maintenance concepts, doctrine, human factors engineering, personnel, MOS, and training.

(f) Assist U.S. Army Combat Developments Command in the development of the logistics systems involving an interface between the wholesale procedures and procedures at Army-in-the-field level.

(g) Assist Army commands and agencies in planning and preparing for confirmatory and troop tests and other tests of Department of the Army materiel.

For the Adjutant General.

R. F. ASKEY,

Colonel, AGC, Comptroller, TAGO.

[P.R. Doc. 68-10296; Filed, Aug. 26, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2680]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application Serial No. A 2680 for the withdrawal of the lands described below.

The Department of Agriculture desires these lands to protect the Government's planned investment in an administrative site and roadside zone in the Apache National Forest, Ariz. This withdrawal is needed to provide tenure for investing in the property and prevent any activities which may be adverse to public use of the property. The withdrawal would be made subject to valid existing rights.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN
APACHE NATIONAL FOREST
Strayhorse Administrative Site

T. 2 N., R. 29 E.,

Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting that portion previously withdrawn for a roadside zone (U.S. Hwy. 666) by P.L.O. 1583 of February 5, 1958).

The area described above aggregates approximately 27 acres.

U.S. Highway 666—Roadside Zone

A strip of land 300 feet each side of the center line of U.S. Highway 666 where it traverses National Forest Land through the following legal subdivisions:

T. 2 S., R. 29 E., unsurveyed;

Sec. 16, W $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 32, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described above aggregate approximately 101.73 acres.

The total areas consist of approximately 128.73 acres.

This proposed withdrawal is located on U.S. Highway 666 near the Grey's Peak and Mitchell Peak areas, and approximately 18 miles north of Clifton, Ariz.

Dated: August 16, 1968.

FRED J. WEILER,
State Director.

[F.R. Doc. 68-10300; Filed, Aug. 26, 1968;
8:46 a.m.]

[N-2564]

NEVADA

Notice of Proposed Withdrawal and
Reservation of Lands and Partial
Termination Thereof

AUGUST 19, 1968.

The Department of the Navy filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,

Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 15 acres.

Subsequently, the applicant agency cancelled the application as to the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 27, T. 20 N., R. 19 E. Therefore, pursuant to the regulations contained in 43 CFR 2311, this land will be relieved of the segregative effect of the above-mentioned application at 10 a.m. on September 18, 1968.

The applicant desires the land remaining for the relocation, construction and operation of the Naval and Marine Corps Training Center.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68-10301; Filed, Aug. 26, 1968;
8:46 a.m.]

Office of the Secretary

CERTAIN FEDERALLY OWNED LANDS
IN NEW MEXICO

Held by the U.S. in Trust for Indians of
Pueblos of Acoma, Sandia, Santa
Ana and Zia

Section 1 of the Act of March 7, 1966 (Pub. Law 89-363, 89th Congress; 80 Stat. 30), provides that when certain identified lands (other than the mineral interests specifically excluded in the identification), which were set aside for school or administration purposes, are no longer needed by the United States for the administration of Indian affairs, the Secretary of the Interior is authorized to declare that the title of the United States to such lands and improvements shall thereafter be held in trust for the Indians of certain Pueblos.

Accordingly, pursuant to the authority contained in section 1 of the said Act of March 7, 1966, notice is hereby given that title of the United States of America to the following described lands and the improvements thereon is held in trust for the Indians of the respective Pueblos:

(1) For Acoma Pueblo:

A tract of land in sec. 33, T. 10 N., R. 7 W., New Mexico Principal Meridian, New Mexico, acquired for administrative purposes through condemnation proceedings in the U.S. District Court for the District of New Mexico in Case No. 675 Law and described in the Final Decree filed on May 27, 1920, as follows: "Commencing at a point 16,796 feet west and 4,598 feet north of the northeast corner of sec. 1, T. 9 N., R. 7 W., of the New Mexico Base and Meridian; thence south 3°32' W., 283 feet; thence south 86°20' E., 500 feet; thence north 3°40' E., 375.3 feet; thence south

77°38' W., 520.6 feet to place of beginning, containing 3.5 acres."

(2) For Sandia Pueblo:

The former day school site which was acquired through condemnation proceedings in the United States District Court for the District of New Mexico and described in the Final Decree in Case No. 1995 Law, filed March 3, 1930, as follows: "Beginning at the southeast corner of the tract to be conveyed, from which point the northwest corner of the church at the village of Sandia bears south 22°30' W. and distant 192 feet; thence north 2°0' E. a distance of 133 feet to corner No. 2; thence west 0°0', 209 feet to corner No. 3; thence south 0°0', 133 feet to corner No. 4; thence east 0°0', 210 feet to the place of beginning, containing 0.63 acre."

(3) For Santa Ana Pueblo:

The former day school site, situated in the El Rancho Grant of Santa Ana Pueblo, which was acquired through condemnation in the U.S. District Court for the District of New Mexico and described in the Final Decree in Case No. 676 Law filed May 27, 1920, as follows: "Commencing at a point 1877 feet south and 1778 feet east of the northwest corner of sec. 21, T. 13 N., R. 4 E. on the New Mexico Base and Meridian; thence south 45°1' E., 495 feet; thence north 44°59' E., 247.5 feet; thence north 45°1' W., 495 feet; thence south 44°59' W., 247.5 feet to place of beginning, containing 2.81 acres." Minerals therein are excluded.

(4) For Zia Pueblo:

The administrative site within the Borrego Grant, containing approximately 428 acres within unsurveyed sec. 5, T. 15 N., R. 4 E., New Mexico Principal Meridian, which parcel was described as follows on page 1855 of FEDERAL REGISTER dated March 31, 1950: "Beginning at southeast corner of Borrego Grant in section 8, T. 15 N., R. 4 E.; thence north along east line of said grant approximately $\frac{1}{4}$ mile to a point where a fence line intersects the east boundary of said grant; thence westerly along fence line approximately $\frac{1}{2}$ mile to a point where same fence corners; thence southwesterly along same fence line approximately $1\frac{1}{4}$ miles to south boundary of grant; thence northeasterly along said grant boundary approximately $\frac{3}{4}$ mile to point of beginning". Minerals therein are excluded.

The use of the above-described parcels and improvements thereon now held in trust for the Pueblos of Sandia and Santa Ana are subject to use by the U.S. Public Health Service, for health purposes, for so long as required by that service.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 21, 1968.

[F.R. Doc. 68-10302; Filed, Aug. 26, 1968;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Docket No. AO-365—RO-1]

HANDLING OF FLUE-CURED
TOBACCO

Notice of Reopening and Reconvening
of Hearing With Respect to Pro-
posed Marketing Agreement and
Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and

the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the public hearing held at six locations in the flue-cured tobacco producing area during the period of February 26-March 8, 1968, is reopened for the limited purpose hereinafter set forth. The hearing will be reconvened on September 11 and 12, 1968, at Raleigh, N.C., Memorial Auditorium, beginning at 10 a.m., local time, on September 11. The proposed program was set forth in the FEDERAL REGISTER of February 10, 1968 (33 F.R. 2850).

In a partial recommended decision of April 17, 1968 (33 F.R. 6125), it was concluded that the hearing should be reopened sometime after the 1968 selling season was well underway to receive further evidence on whether economic and marketing conditions justified a need for regulation and the issuance of a marketing agreement and order. A recommended decision was issued on July 16, 1968 (33 F.R. 10346) on the specific terms and provisions of a proposed marketing agreement and order.

The record evidence supported a finding that a marketing agreement and order for flue-cured tobacco in 1967 would have provided a legal framework through which an administrative committee could have acted to achieve more orderly marketing conditions and thereby tend to effectuate the declared policy of the act. The record also showed that a number of significant changes were planned by the industry and by the Department for the 1968 selling season in an effort to prevent a recurrence of the chaotic marketing conditions of 1967. However, the record contained a wide difference of opinion as to whether the planned changes would, in fact, prevent such a recurrence.

The purpose of the reopened hearing is to receive up-to-date evidence with respect to the need for regulation and issuance of a marketing agreement and order for flue-cured tobacco, including evidence as to the effectiveness of the aforementioned changes in the 1968 selling season and whether current marketing conditions are orderly or whether they continue to be sufficiently disorderly to justify issuance of a marketing agreement and order.

Dated: August 22, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-10347; Filed, Aug. 26, 1968;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

CHILDREN'S HOSPITAL RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific

article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00626-33-46040. Applicant: Children's Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used to teach medical students, pediatric fellows and pathology fellows to apply electron microscopy to research in the following areas: Genetic defects in granulocyte function; renal glomerular histiocytosis; fatty infiltration of the liver in childhood; ultrastructural effects of cardiopulmonary bypass; cardiopulmonary bypass and glycogen storage disease. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 3, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. The foreign article is intended to be used for teaching students the theory and use of the electron microscope. For this purpose the applicant requires an electron microscope that combines simplicity of operation with features that facilitate teaching of electron microscopy principles. The foreign article is a relatively simple electron microscope whose imaging train has two stable adjustments, the proper alignment of which can be checked by simple maneuvers and misalignments easily corrected. The illuminating system has two adjustments which have good stability and are easily learned. These designs permit students, after a short period of instruction, to obtain satisfactory electron micrographs. The RCA Model EMU-4 is relatively complicated to operate and requires a period of training in order to master the more complex techniques.

For these reasons, we find that the RCA Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 68-10288; Filed, Aug. 26, 1968;
8:45 a.m.]

COLLEGE OF OSTEOPATHIC MEDICINE AND SURGERY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00498-33-46500. Applicant: College of Osteopathic Medicine and Surgery, 722 Sixth Avenue, Des Moines, Iowa 50309. Article: Ultramicrotome, Model LKB 4800A Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut ultrathin sections of tissue for the study of the effects of inhibitors of the fibrinolytic enzyme system on the turnover of fibrinogen, fibrin and associated substances, the ultrastructure of dermatophytes; and the ultrastructure of the umbilical cord in its naturally distended and collapsed states. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultratome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Connecticut). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the

ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated May 22, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket Number 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultratome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 68-10289; Filed, Aug. 26, 1968;
8:45 a.m.]

DUKE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be

filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00010-33-46040. Applicant: Duke University, Department of Physiology and Pharmacology, Durham, N.C. 27706. Article: Electron microscope, Model EM6B. Manufacturer: GEC-AEI Electronics, Ltd., United Kingdom (England). Intended use of article: The article will be used for biological research as follows:

a. Physiology and ultrastructure of red blood cell membranes, including mapping of enzymatic (ATPase) and antigenic (antigen M) sites. Study of the structure of red blood cell membrane fragments, of the products of their reaggregation and of thin lipid membranes prepared with extracts from red cell membranes. The effects of the incorporation of valinomycin and other proteins, labeled with either heavy ions or ferritin, on ultrastructure of the artificial lipid membranes will also be studied.

b. Studies of the fine structure of the triadic junction in striated muscle fibers.

c. Studies on the variation in length of crab striated muscle filaments and of the factors controlling it.

Application received by Commissioner of Customs: July 3, 1968.

Docket No. 69-00018-33-46040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Tex. 75246. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments Corp., The Netherlands. Intended use of article: The article will be used for research on the ultrastructural characteristics of human cancer and characterization of certain dense intranuclear particles found in increased numbers in neoplastic specimens as compared to miscellaneous non-neoplastic tissues. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69-00037-33-46040. Applicant: Sloane Hospital for Women, Columbia-Presbyterian Medical Center, 630 West 168th Street, New York, N.Y. 10032. Article: Electron microscope, Model JEM-7A. Manufacturer: Japan Electron Optics Co., Ltd., Japan. Intended use of article: The article will be used to identify

the site of metabolism of sex steroids in the female genital organs, and to clarify the transport mechanism of the sex steroids to the site of action within the female genital organs. The elucidation of the above problems will add important information as to how the sex steroids are formed in the ovary, fluctuate during the menstrual cycle and regulate the female reproductive functions. Application received by Commissioner of Customs: July 15, 1968.

Docket No. 69-00047-01-77030. Applicant: University of Maryland, 636 West Lombard Street, Baltimore, Md. 21201. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for the following:

(a) Instructional use for undergraduate and graduate students in courses in organic and analytical chemistry.

(b) Structure determination studies on a variety of molecules containing protons (H^+), fluorine (F^{19}), and occasionally carbon (C^{13}).

(c) The study of conformational characteristics of a variety of molecular types through N.M.R. spectra determinations at various temperatures.

(d) The determination of proton chemical shift data for correlation with molecular orbital electron density calculations.

(e) Qualitative and quantitative analysis of mixtures of materials obtained from chemical reactions and natural sources.

(f) Quantitative determination of exchangeable protons in organic molecules.

Application received by Commissioner of Customs: July 19, 1968.

Docket No. 69-00059-01-77030. Applicant: St. Olaf College, Northfield, Minn. 55057. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for instructional undergraduate courses in introductory and advance organic chemistry, inorganic chemistry, physical chemistry, and analytical chemistry as well as for undergraduate and faculty research projects which include the following studies:

(a) Alkylidiazonium cation intermediates at very low temperatures.

(b) Hydrogen-deuterium exchange processes in the solvolysis of aliphatic diazo compounds.

(c) Hydrogen bonding in nitrogen heterocyclic systems.

(d) Determination of structure of compounds with benzohydroxamic acid coordinated with cobalt (III) and chromium (III).

Application received by Commissioner of Customs: July 24, 1968.

Docket No. 69-00066-00-46040. Applicant: University of California, Purchasing Department, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Exposure meter for Siemens Elmiskop IA Electron microscope. Manufacturer: Siemens A.G.,

West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope to accurately present exposure of photoplates. Application received by Commissioner of Customs: July 26, 1968.

Docket No. 69-00074-01-77040. Applicant: Virginia Polytechnic Institute, Department of Chemistry, Blacksburg, Va. 24061. Article: Mass Spectrometer, Model RMU-6E. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article will be used for research to be carried out by the instruction staff in collaboration with both graduate and undergraduate students involving the following projects:

(a) Quantitative analysis of mixtures including those containing enrichments in certain stable isotopes.

(b) Qualitative identification of organic, inorganic, and organometallic compounds.

(c) Study of ionization efficiency curves for singly and multiply charged positive ions.

(d) Studies of negative ion formation in unimolecular decomposition reactions.

(e) Study of ionization efficiency curves for negative ions.

(f) Studies of ion-molecule reactions for positive and negative ions.

(g) Lifetimes of metastable ions and "metastable ion mass spectra".

(h) Formation of negative ions via surface ionization.

Application received by Commissioner of Customs: July 30, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10290; Filed, Aug. 26, 1968; 8:45 a.m.]

NEW YORK STATE DEPARTMENT OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00535-33-46500. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ultrathin sectioning of tissue imbedded in hard

plastic material for high resolution electron microscopy required for the study and observation of the subunit structure of viruses. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultratome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 20, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultratome III" catalogue cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2 catalogue cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotome employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultratome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately meas-

uring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10291; Filed, Aug. 26, 1968; 8:45 a.m.]

SYRACUSE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00524-01-77030. Applicant: Syracuse University, 150 Marshall Street, Syracuse, N.Y. 13210. Article: NMR spectrometer and accessories. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: The article will be used in the training of graduate students to do chemical research in the general areas of organic and inorganic chemistry. Comments: Comments have been received from one domestic manufacturer, Varian Associates (Varian), which alleges inter alia that "The Varian HA-100 spectrometer equipped with appropriate standard accessories is the scientific equivalent to the JEOL JNM-4H-100". Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a combined internal-external lock capability, whereas the Varian HA-100 provides only the internal lock. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 24, 1968, that an external lock is required to perform experiments on electronic states of complex ions, which is one of the purposes for which applicant intends to use the foreign article.

(Item D of applicant's response to Question 7 of the application.) NBS further advises us that other experiments listed in the reply to Question 7 would require the superior stability of the internal lock. Therefore, the combined internal-external lock capability possessed only by the foreign article is pertinent to the purposes for which the foreign article is intended to be used. For the foregoing reasons, we find that the Varian HA-100 is not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 68-10292; Filed, Aug. 26, 1968;
8:45 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00413-65-07730. Applicant: The University of Michigan, Purchasing Department, Hoover and Greene Streets, Ann Arbor, Mich. 48104. Article: Guinier type focusing X-ray diffraction camera and accessories. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for exact X-ray measurement of crystal lattice spacings which fall in the diffraction angles from 20° to 90°. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used the applicant needs an instrument providing finer resolution of lines in the diffraction pattern of a variety of specimens. The foreign article operates in a vacuum and is equipped with a built-in crystal monochromator and an arrangement for focusing the beam. These three features, which are not available in domestically

produced X-ray powder diffraction cameras, are essential for finer resolution of lines and indexing of lattice parameters and are, therefore, pertinent.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 68-10293; Filed, Aug. 26, 1968;
8:45 a.m.]

UNIVERSITY OF PUERTO RICO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00597-33-46040. Applicant: University of Puerto Rico, School of Medicine, San Juan, P.R. 00905. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research of the ultrastructure of nervous and muscular tissue of a number of species, particularly marine invertebrates and the ultrastructure of natural and artificial membranes having particular excitability characteristics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increased certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed an order for the foreign article prior to May 20, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article has a guaranteed resolution of 5 Angstroms. The RCA Model EMU-4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms units, the better the resolving capabilities.)

For the purposes for which the foreign article is intended to be used, the highest possible resolution is required. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 provided accelerating voltages of 50 and 100 kilovolts only. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained and ultrathin sections and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained sections. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages are pertinent.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 68-10294; Filed, Aug. 26, 1968;
8:45 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00586-33-54500. Applicant: University of Washington, 3917 University Way, Northeast, Seattle, Wash. 98105. Article: Light Coagulator, Model 32-10-05. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to investigate retrograde degeneration of axonal fibers in the central nervous system as well as to investigate the representations of the macular ganglion cells in the lateral geniculate nucleus of the monkey. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides direct visual control through the use of an Xenon arc source in the photo-coagulation process. Domestic instruments are powered by a

laser source which does not provide any means of direct visual control which is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that laser instruments for use in the photo-coagulation process are not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 68-10295; Filed, Aug. 26, 1968;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20054]

SOUTH AFRICAN AIRWAYS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 16, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., August 22, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-10330; Filed, Aug. 26, 1968;
8:48 a.m.]

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

ORGANIZATIONS AND INDIVIDUALS

Invitation To Submit Recommendations Concerning Executive, Legislative, and Judicial Salaries

Notice is hereby given that the Commission on Executive, Legislative, and Judicial Salaries, provided for by Public Law 90-206, December 16, 1967 (81 Stat. 642), has been established and has begun its review of pay rates for top executives, members of Congress, and judges throughout the Federal service. The President has asked that the Commission's report and recommendations be forwarded to him by December 1, 1968.

Organizations and individuals are invited to submit for consideration any views or recommendations which they believe are relevant to the mission of the Commission. Such submissions should be made in writing to Mr. Frederick J. Lawson, Executive Director, Commission on

Executive, Legislative, and Judicial Salaries, 1016 16th Street NW., Washington, D.C. 20036, at the earliest date possible but not later than September 16, 1968.

COMMISSION ON EXECUTIVE, LEGISLATIVE AND JUDICIAL SALARIES,

FREDERICK J. LAWSON,
Executive Director.

[F.R. Doc. 68-10372; Filed, Aug. 26, 1968;
8:49 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR, BUREAU OF AVIATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found on August 7, 1968, that there is a manpower shortage for the position of Director, Bureau of Aviation, GS-1815-18, National Transportation Safety Board, Department of Transportation, Washington, D.C.

The appointee may be paid for the expenses of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-10333; Filed, Aug. 26, 1968;
8:48 a.m.]

PHARMACIST GS-660-10 EL PASO, TEX.

Notice of Cancellation of Special Salary Rates

Under the provisions of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has cancelled the special salary rates authorized for positions of Pharmacist GS-660-10, El Paso, Tex., Standard Metropolitan Statistical Area.

This cancellation is effective August 11, 1968.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[F.R. Doc. 68-10334; Filed, Aug. 26, 1968;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Budget Bureau Approval 52-R0 14, 16, 27,
28; FCC 68-847]

BROADCAST APPLICANTS

Ascertainment of Community Needs

AUGUST 22, 1968.

Part 1, sections IV-A and IV-B, the programming sections of radio and TV application forms.

The Commission issues this public notice to provide broadcast applicants with a better understanding of the showing called for in response to Part 1, sections IV-A and IV-B, the programming sections of application forms. Deficient showings delay definitive action on applications and impose a costly workload burden on the Commission.

In a recent case, Minshall Broadcasting Co., Inc. (petition to enlarge issues), 11 FCC 2d 796 (1968), the Commission reiterated the four elements of the showing to be made in response to Part 1:

(a) Full information on the steps the applicant has taken to become informed of the real community needs and interests of the area to be served.

(b) Suggestions which the applicant has received as to how the station could help meet the area's needs.

(c) The applicant's evaluation of those suggestions.

(d) The programming service which the applicant proposes in order to meet those needs as they have been evaluated.

In another recent case, Andy Valley Broadcasting System, Inc. (petition to deny), FCC 68-290 (1968), the Commission held that a survey of community needs is mandatory and that "applicants, despite long residence in the area, may no longer be considered, ipso facto, familiar with the programming needs and interests of the community."

Before detailing the information needed in the four elements set forth above, it is appropriate to state our belief that if the processes of Part 1 are carried out in good faith, the programming service will be rooted in the people whom the station is obligated to serve and who will be in a much better position to see that the obligation to them is fulfilled, thus lessening the enforcement burden of the Commission.

Part 1, Question 1.A., requires consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community. Report and Statement of Policy Re: Commission En Banc Program Inquiry, 20 R.R. 1902.

Consultations with community leaders: Such consultations are to help determine the needs of the community from the standpoint of the group represented by the leader being consulted; should include a representative range of groups and leaders to give the applicant a better basis for determining the total needs of the community; and should identify them by name, position and organization. The purpose of such consultations should be to elicit constructive information concerning community needs, and not mere approval of existing or preplanned programming.

Suggestions received: The second of the above four elements is largely self-explanatory, but, importantly, the listing should include the significant suggestions as to community needs received through the consultations with community leaders, whether or not the applicant

proposes to treat them through its programming service.

Applicant's evaluation: What is expected of the applicant is that he will evaluate the relative importance of those suggestions and consider them in formulating the station's overall program service.

Programming service proposed to meet the needs as evaluated: The fourth element set out in Minshall should be set out in response to Question 1.C., and calls for relating the program service to the needs of the community as evaluated; i.e., what programming service is proposed to meet what needs.

The foregoing information is also expected of all applicants for increased facilities serving a substantial amount of new area or population. KTBS, Inc., 1 R.R. 2d 1054 (1964).

Section 1.526 of the Commission rules requires licensees of broadcast stations to keep on file locally for public inspection a copy of its applications (which include sections IV-A and IV-B) as well as exhibits, letters, other documents, and correspondence with the Commission pertaining to the application.

Action by the Commission August 21, 1968.¹

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10342; Filed, Aug. 26, 1968;
8:49 a.m.]

[FCC 68-860]

STATUTORY OBLIGATIONS

Contribution of Time to Political Campaigns

AUGUST 22, 1968.

The Commission encourages licensees to make their facilities available to candidates for political office.

The Commission recognizes, however, that licensees face practical problems in scheduling programs in which candidates are invited to participate. On the one hand, the Communications Act places upon the licensee the responsibility of making good faith, reasonable judgments as to what programming will best serve the needs and interests of his area. On the other hand, section 315 of the Act gives to legally qualified candidates the right to opportunities equal to those given their opponents in the use of broadcast facilities, without any right of censorship by the broadcast licensee in such use.

Thus, the Commission has held that an attempt by a licensee to dictate program format, participants, length of program and times of taping and broadcast, and then offering the package to the candidates on a "take it or leave it" basis does not deprive a candidate who refuses an invitation under such conditions of his right under section 315 to appear subsequent to the use of the station's facilities by his opponent or opponents.

¹ Commissioners Hyde (Chairman), Bartley, Cox, and Johnson, with Commissioner Lee dissenting.

The Commission recognizes the important contribution which licensees can make to an informed electorate by contributing broadcast time to election campaigns, and hopes that licensees will attempt to work out mutually agreeable arrangements with candidates so as to enhance the opportunities for use of broadcast facilities.

Action by the Commission August 21, 1968.¹

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10343; Filed, Aug. 26, 1968;
8:49 a.m.]

[Docket Nos. 18291-18293; FCC 68-835]

SUNBURY BROADCASTING CORP. (WKOK) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sunbury Broadcasting Corp. (WKOK), Sunbury, Pa., has: 1070 kc, 1 kw, 10 kw-LS, DA-2, U, requests: 1070 kc, 1 kw, 10 kw-LS, DA-N, U, Docket No. 18291, File No. BP-16936; Herbert P. Michels, Stirling, N.J., requests: 1070 kc, 250 w, Day, Docket No. 18292, File No. BP-17004; Kel Broadcasting Co., Inc., Watchung, N.J., requests: 1070 kc, 500 w, DA, DAY, Docket No. 18293, File No. BP-17405; for construction permits.

1. The Commission has under consideration the above-captioned and described applications; a petition to deny the application of the Sunbury Broadcasting Corp. (WKOK) filed August 15, 1966, by the Lycoming Broadcasting Co. (WLYC), licensee of Station WLYC, Williamsport, Pa., the applicant's opposition and petitioner's reply; a letter of Herbert P. Michels (Michels) dated October 27, 1966, requesting that the application of the Kel Broadcasting Co., Inc. (Kel), be returned to the applicant; Kel's petition to defer action on its application filed October 31, 1966; an opposition filed by Michels, Kel's reply to Michels' opposition and Michels' request for acceptance of an additional pleading; a petition to return the Kel application filed by WKOK on April 6, 1967, Kel's opposition and WKOK's reply.

2. With the exception of the petition to deny the WKOK application and related pleadings, all the foregoing documents deal with the procedural question of the acceptability of the Kel application. Michels and WKOK seek the rejection of the Kel application citing omissions and errors in the application, none of which, under prevailing authority,

¹ Commissioners Hyde (Chairman), Bartley, Lee, Cox, and Johnson.

² Concurrently with the present action, a fourth application, that of the Molly Pitcher Broadcasting Co., Inc., File No. BP-17469, which involves conflicts with the captioned applications, is being dismissed pursuant to § 1.568(b) of the Commission's rules for failure to respond to official correspondence.

constitute grounds for rejecting the application.

3. The principal grounds urged for the rejection of the Kel application are allegations that the application when filed did not meet the minimum separation requirement of § 73.37 of the Commission's rules. Both Michels and WKOK point out that the application as originally filed, notwithstanding the absence of any reference to the existing 0.025 mv/m contour of WKOK, did, in fact, involve prohibited overlap of the proposed 0.5 mv/m contour with the existing 0.025 mv/m contour of WKOK. The Kel application was tendered on August 15, 1966, the last date established by Public Notice of July 7, 1966, on which an application could be tendered for concurrent consideration with the WKOK application. Michels and WKOK contend that subsequently filed measurement data submitted by Kel cannot cure the original defect and that the Kel application must be rejected. This contention is consistent with the Commission's former position expressed in Natick Broadcast Associates, Inc., 6 FCC 2d 607, 9 RR 2d 360 (1967), an instance similar to the present case. However, the Commission's order in the Natick matter was reversed by the U.S. Court of Appeals for the District of Columbia Circuit. Natick Broadcast Associates, Inc., v. Federal Communications Commission, _____ U.S. App. D.C. _____ 385 F.2d 985, 11 RR 2d 2065 (1967). In accordance with the Court's decision, Kel's measurement data must be considered and the application accepted.

4. A further contention of WKOK raises a different question. WKOK claims that, as a result of an error in the parameters of the directional pattern proposed in the Kel application, the proposal would have involved prohibited overlap of contours with Station KYW, Philadelphia, Pa. The type of error noted by WKOK is, in the Commission's experience, quite common in complicated directional antenna proposals. Specifically, Kel submitted a directional radiation pattern with the application which clearly indicated the proposed values of radiation in all directions. Commission study revealed, however, that the actual parameters proposed would not accurately depict the values of radiation specified on the proposed pattern. In accordance with the Commission's consistent practice, Kel was given an opportunity to correct the error in parameters. The correction did not result in any change in the proposed values of radiation but merely resulted in Kel specifying parameters which would accurately depict the proposed radiation pattern. Examination of Kel's directional antenna pattern indicates no prohibited overlap of contours between the proposed operation and Station KYW. Other contentions made by WKOK, except those of a substantive nature noted hereafter, are without significance.

5. Accordingly, Kel's application will be accepted and, at the same time, will be designated for hearing in a proceeding with the WKOK and Michels

proposals with which it is mutually exclusive.² Although section 1.580(b) of the Commission's rules provides that no application will be acted upon less than 30 days following issuance of public notice of the acceptance of the application, the Commission will, on its own motion, waive § 1.580(b) in order that the applications herein may proceed to hearing without further delay.

6. WLYC's petition requests that the WKOK application be denied or designated for hearing to determine whether the proposed operation would comply with § 73.37(a) of the Commission's rules. Section 73.37(a) provides, in pertinent part, that no application will be accepted for a change in the facilities of an existing station which would result in overlap of 2 and 25 mv/m contours involving another station on a frequency 20 kilocycles removed. WLYC states that, based on field intensity measurement data received in evidence in the proceeding in which WKOK's present operation was authorized, Sunbury Broadcasting Corp. (WKOK), 31 FCC 734, 22 RR 383 (1961), the separation between the WKOK present 10 kilowatt directional 2.0 mv/m contour and the WLYC 25 mv/m contour is only 1.2 miles and that WKOK now proposes to increase the radiated field intensity toward WLYC by some 12.3 percent above the present maximum expected operating value of 503 mv/m by the proposed nondirectional operation. As a result, WLYC contends, the separation between the proposed WKOK 2 mv/m contour and the WLYC 25 mv/m contour will be decreased to 0.5 mile. WLYC also contends that the measurement data accepted in the hearing proceeding and the additional material submitted in the WKOK proof of performance are inadequate to determine whether nondirectional operation with 10 kilowatts of power by WKOK would result in the WKOK 2 mv/m contour overlapping the WLYC 25 mv/m contour.

7. WLYC further contends that the test measurements accepted in the hearing proceeding and relied on by WKOK to determine the extent of the proposed WKOK 2 mv/m contour may not be adequate since they were made at relatively low power; that measurements made at higher power would more accurately establish the extent of the proposed WKOK 2 mv/m contour; that since the indicated separation between the proposed nondirectional WKOK 2 mv/m contour and the WLYC 25 mv/m contour is only 0.5 mile based on the test site data, measurements made under the actual proposed operating conditions with higher power would provide the most reliable basis on which to make a determination regarding the extent of

the pertinent contours; that WKOK should be required to make measurements toward WLYC utilizing the proposed 10 kilowatt nondirectional operation to establish the extent of the WKOK 2 mv/m contour, and additional measured radials should be made on WLYC to establish the extent of that station's 25 mv/m contour.

8. In opposition, WKOK states that the WLYC contentions regarding overlap are completely unsupported by any additional measurements made by WLYC; that it is merely a speculative conjecture and is not a valid basis to support its petition; that the measurements made from the test transmitter have passed the test of cross-examination in a hearing proceeding and are substantiated by the WKOK proof of performance made in connection with the preparation of the application for license; that WLYC admits there is a separation between the relevant contours and that whether the separation is 0.5 mile as claimed by WLYC or 0.8 mile as shown in the WKOK application is immaterial; that WLYC's request for additional measurement data would not serve any useful purpose but would impose an expensive, unnecessary and harassing burden upon WKOK when two sets of measurements are already on file with the Commission; and that, even if the applicant were to make additional measurements by the method prescribed by WLYC, the results would be the same.

9. In its reply, WLYC is again critical of the measurement data relied on and again refers, as it did in its petition, to Commission precedent holding that an applicant has the burden of demonstrating the absence of prohibited overlap, citing *Courier-Times, Inc.*, 14 RR 817 (1957); *Verne M. Miller*, 3 FCC 2d 145, 7 RR 2d 455 (1966); *Charles W. Jobbins*, 6 RR 2d 4 (1965).

10. A review of the record made in the hearing proceeding, Sunbury Broadcasting Corp. (WKOK), supra, in which WLYC was a party respondent, reveals that the test transmitter field intensity measurement data were made at an operating power of 250 watts and on the frequency for which WKOK was then applying and now proposes to use. The antenna system consisted of a 150 foot radiating element with a ground system of 120 radials 200 feet long, and the measured inverse distance field at 1 mile was 90 mv/m. The adequacy of these measurements were vigorously contested by two respondents in the hearing proceeding. The measurements were made over a distance sufficiently great to permit the WKOK present ten kilowatt 2.0 mv/m contour to be read directly from the attenuated curve, and the Commission concluded that the test measurements were adequate to establish the effective conductivity in the direction of WLYC. On the basis of those measurements and two measured radials on WLYC, the separation between the WKOK present ten kilowatt directional 2.0 mv/m contour and the WLYC 25 mv/m contour was found to be 1.2 miles. The proposed 2.0 mv/m groundwave con-

tour of WKOK can also be determined directly from the test measurement data. On the basis of all the data accepted in the hearing proceeding, it can be determined that the proposed WKOK 2.0 mv/m contour will not overlap the 25 mv/m contour of WLYC. WLYC has not submitted any additional measurement data which would refute the data previously submitted, and therefore the Commission must conclude that WLYC has failed to establish that it has standing to oppose the WKOK proposal. Accordingly, the WLYC petition will be dismissed.

11. WKOK, in addition to matters previously noted which were urged in support of its request to reject the Kel application, also argues that the application should be rejected because of the inadequacy of Kel's financial showing and statement of program service and related exhibits. While these inadequacies do not constitute grounds for returning the application, examination of the Kel application indicates the necessity of some clarification of the financial aspect of the application as well as the sufficiency of the program material.

12. Based on the applicant's estimates, it appears that Kel will require a total of \$61,058 to meet construction costs and 1 year's operating expenses. This includes down payment on equipment, \$6,035; first year's payments on equipment with interest, \$6,523; building, \$10,000; miscellaneous, \$3,500; and 1 year's working capital, \$35,000. On the basis of information filed in December of 1966, it appears that new capital in the amount of \$30,000 was available. The Commission finds that it would be appropriate to specify an issue to permit a determination of the current financial position of Kel's principals and whether sufficient funds are available to meet the cost of construction and 1 year's operation.

13. In connection with Kel's proposed program service, the applicant appears to rely on the president of the corporation and his former residence in the general area as the basis of its awareness of the needs and interests of Watchung. Apparently, at the time of the filing of the application no program survey had been made although it is stated in the application that surveys will be undertaken both before and after the proposed station goes on the air. WKOK points out that Dr. Kelly has been a resident of Pennsylvania for a number of years and questions whether, because of this fact, he can be acquainted with the present program needs of the area. In any event, the Commission is not persuaded that familiarity with an area alone provides an adequate basis for an awareness of area needs and interests in the absence of consultations with representative groups, interests and organizations as contemplated by the application form (FCC Form 301, Section IV-A). See *Vernon Broadcasting Company*, FCC 68-528 adopted May 15, 1968, 12 FCC 2d 13 RR 2d 245; cf. *Andy Valley Broadcasting System, Inc.*, 12 FCC 2d 3; 12 RR 2d 691 (1968). Therefore, Kel will be given an

² A grant of the WKOK proposal would not preclude a grant of Michels' proposal notwithstanding overlap of Michels' proposed 0.5 mv/m contour by the 0.025 mv/m contour of WKOK since no overlap of Michels' proposed one mv/m contour by the WKOK 0.05 mv/m contour would occur and Michels' station would be the first standard broadcast facility in Stirling. See § 73.37(b) of the rules.

opportunity to demonstrate what efforts have been made to determine the needs and interests of the area and how its program service will be responsive to those needs. See Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968).

14. Financial information contained in the Michels application is not current and is inadequate in other respects to establish that the station can be constructed and operated for 1 year without revenue. The application was filed in November 1965, at which time the cash relied on was entirely prospective and dependent in large part on the sale of real estate. Although the applicant provided some itemizations of equipment on hand and operating expenses, these do not provide adequate bases to justify the estimates of construction costs (\$6,477) and annual operating expenses (\$25,812) in view of the modest figures proposed. The applicant relied on revenues to meet operating expenses after an initial 3-month period, but no basis for estimated revenue was shown. Accordingly, issues will be specified to permit Michels to present a more adequate financial showing including the present availability of equipment.

15. As is the case with Kel, Michels relies on area familiarity as a resident. A program survey is mentioned without sufficient specifics to demonstrate its adequacy. Therefore, an appropriate issue will be specified.

16. The site photographs filed by Kel are not satisfactory, and it has not been determined whether the antenna system would constitute a menace to air navigation. It will be necessary, therefore, to place these matters in issue.

17. From the information before the Commission it appears that, except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, for the reasons indicated above, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

18. Accordingly, it is ordered, That the application of the Kel Broadcasting Co., Inc., is hereby accepted for filing; that, on the Commission's own motion, § 1.580 (b) of the Commission's rules is waived; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of WKOK and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operations of Herbert P. Michels and the Kel Broadcasting

Co., Inc., and the availability of other primary service to such areas and populations.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by the Kel Broadcasting Co., Inc., would constitute a menace to air navigation.

4. To determine whether the transmitter site proposed by the Kel Broadcasting Co., Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

5. To determine the efforts made by Herbert P. Michels and the Kel Broadcasting Co., Inc., to ascertain the community needs and interests of the respective areas to be served and the means by which the applicants propose to meet those needs and interests.

6. To determine, with respect to the application of Herbert P. Michels:

(a) The basis of the applicant's estimated construction costs and operating expenses for the first year.

(b) The amount of funds available to meet the costs of construction and the costs of operating during the first year.

(c) In the event the applicant will rely on operating revenues during the first year to meet fixed charges and operating costs, the basis for the applicant's estimate of revenues and whether such estimate is reasonable.

(d) In light of the evidence adduced pursuant to (a), (b), and (c), above, whether the applicant is financially qualified.

7. To determine, with respect to the application of the Kel Broadcasting Co., Inc.:

(a) Whether sufficient funds necessary to meet construction costs and operating expenses for the first year of operation are available.

(b) In light of the evidence adduced pursuant to the foregoing (a), whether the applicant is financially qualified.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

19. It is further ordered, That the petition to deny the application of the Sunbury Broadcasting Corp., filed by the Locomotive Broadcasting Co. is hereby dismissed.

20. It is further ordered, That the requests and petitions of Herbert P. Michels and the Sunbury Broadcasting Corp. directed against the application of the

Kel Broadcasting Co., Inc., are granted to the extent indicated above and are denied in all other respects.

21. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

22. It is further ordered, That, in the event of a grant of the application of the Sunbury Broadcasting Corp., the construction permit shall include the following:

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that the nighttime radiation pattern remains adjusted within authorized limits.

Before program tests are authorized, permittee shall submit sufficient field intensity measurements to show that the horizontal inverse distance field intensity at 1 mile has been reduced to essentially 178.5 as proposed.

23. It is further ordered, That, in the event of a grant of the application of the Kel Broadcasting Co., Inc., the construction permit shall include the following:

Permittee shall install approved frequency and modulation monitors.

24. It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall include the following:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the Commission's rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

25. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

26. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1968.

Released: August 22, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10344; Filed, Aug. 26, 1968;
8:49 a.m.]

* Commissioner Cox absent.

FEDERAL HOME LOAN BANK BOARD

WABASH CONSOLIDATED CORP.

Notice of Receipt of Application for
Permission to Acquire Security Sav-
ings and Loan Company

AUGUST 22, 1968.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Wabash Consolidated Corp., Cincinnati, Ohio, on behalf of itself and its parent companies, Century Underwriters, Inc., Cincinnati, Ohio, and The Marvin Warner Co., Cincinnati, Ohio, for permission to acquire the Security Savings and Loan Co., Cincinnati, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the purchase of 85 percent of said Security Savings and Loan Co. from Mr. Marvin L. Warner. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 68-10323; Filed, Aug. 26, 1968;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-8]

CONTAINER MARINE LINES

Reopening of Proceeding

On April 23, 1968, the Federal Maritime Commission served its report in the captioned proceeding, holding that tariffs of Container Marine Lines (CML) providing for through intermodal service comprised of port-to-port transportation between the United States and the United Kingdom and inland transportation in the United Kingdom cover a service not within the scope of the conference agreements and dual rate contracts in the United States-United Kingdom trade which have been approved by the Commission and to which CML is a party. These conferences, the North Atlantic Westbound Freight Association (NAWFA) and the North Atlantic United Kingdom Freight Conference (NAUK) and their member lines other than CML have sought reconsideration of the Commission's report.

NAWFA and its member lines, other than CML, also sought court review of the Commission's determination in this proceeding, but the Court stayed its review upon the grant of a motion filed by the Commission for a remand for further proceedings. North Atlantic Westbound Freight Association et al., petitioners, v. Federal Maritime Commission and

United States of America, respondents, American Export Isbrandtsen Lines, Inc., intervenor, No. 21,912, U.S. Court of Appeals for the District of Columbia Circuit.

All of the parties to the proceeding, including not only the conferences but the Commission's Hearing Counsel and the CML itself, have indicated the propriety and desirability of taking evidence with respect to the whole range of legal and factual consequences associated with the interaction of CML's tariffs and the conference arrangements. Moreover, since the issuance of our report, the Commission has accepted petitions to intervene in this proceeding filed on behalf of numerous conferences in other trades expressing an interest in the impact of our report in this proceeding.

Therefore, it is ordered, That pursuant to sections 22, 14, 14b, 15, 16, 17, and 18(b) of the Shipping Act of 1916, the Commission reopen this proceeding to determine:

1. Whether Container Marine Lines has engaged or will engage in any activities which are unlawful under the aforementioned sections;

2. Whether the arrangements of North Atlantic Westbound Freight Association and/or North Atlantic United Kingdom Freight Conference and/or their operations thereunder have resulted in or will result in any activities which are unlawful under the above sections; and

3. Whether the dual rate contracts and/or section 15 agreements of NAWFA and/or NAUK should be disapproved, canceled, or modified or permission withdrawn pursuant to sections 14b and/or 15 of the Shipping Act, 1916.

It is further ordered, That the North Atlantic Westbound Freight Association and its member lines (including Container Marine Lines) and the North Atlantic United Kingdom Freight Conference (including Container Marine Lines) be made respondents in this proceeding;

It is further ordered, That the Latin America/Pacific Coast Steamship Conference, Pacific Coast River Plate Brazil Conference, United States/South & East Africa Conference, Atlantic & Gulf/Panama Canal Zone, Colon & Panama City Conference, Atlantic & Gulf/West Coast of Central America & Mexico Conference, Atlantic & Gulf/West Coast of South America Conference, East Coast Columbia Conference, Leeward & Windward Islands & Guianas Conference, United States Atlantic & Gulf-Australia, New Zealand Conference, United States Atlantic & Gulf-Jamaica Conference, United States Atlantic & Gulf Santo Domingo Conference, West Coast South America/Northeast Conference, Atlantic & Gulf/Indonesia Conference, Atlantic & Gulf/Singapore, Malaya, and Thailand Conference, Far East Conference, Great Lakes-United Kingdom Eastbound Conference, North Atlantic Baltic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic-French Atlantic Freight Conference, South Atlantic Steamship Conference, U.S. Great Lakes/Bordeaux-Hamburg Range Eastbound Conference,

U.S. Great Lakes-Scandinavian & Baltic Eastbound Conference, Pacific-Straits Conference, Pacific/Indonesian Conference, and all of their respective member lines are made intervenors in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That this proceeding be expedited;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and intervenors;

It is further ordered, That any person, other than respondents and intervenors, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10335; Filed, Aug. 26, 1968;
8:49 a.m.]

[Docket No. 68-29]

U.S. PACIFIC COAST—AUSTRALIA,
NEW ZEALAND, AND SOUTH SEA
ISLANDS TRADE

Amended Order of Investigation

By order served June 4, 1968, this investigation was instituted to determine whether, during the period June 15, 1965, through March 1968, the members of the Pacific Coast Australasia Tariff Bureau (Agreement No. 50, as amended) entered into and carried out any understandings or arrangements fixing, controlling, or limiting compensation paid to freight forwarders prior to approval of the Federal Maritime Commission in violation of section 15 of the Shipping Act, 1916.

Hearing Counsel, alleging the possession of information indicating that there may be currently existing and effective unfiled agreements of the type described in our June 4 order, has petitioned to amend that order to extend the period under investigation "to the present".

To insure a thorough investigation of the matter and to avoid a separate investigation relating to the period between March 1968 and the present, we are amending the order of investigation to extend the period under investigation to August 15, 1968.

Now therefore, it is ordered, That the order of investigation in this proceeding served June 4, 1968, be amended by sub-

stituting in the first and second paragraphs the date "August 15, 1968" for the date "March 1968".

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon the parties of record in this proceeding.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10336; Filed, Aug. 26, 1968;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-22]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 20, 1968.

Take notice that on August 6, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-22 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the continued operation of facilities on a limited-term basis, of all natural gas sales, and appurtenant facilities, on its Southern Division system utilized for the direct sale and delivery of natural gas being made on the date of filing under 14 direct sales contracts with 12 purchasers for uses associated with the production of oil or gas; (2) the construction on a budget-type basis, for the period continuing through December 31, 1969, and limited-term operation of natural gas sales, and appurtenant facilities (or the limited-term operation of existing sales facilities, where available) to be utilized for Southern Division system sales, on either a direct or resale basis, of natural gas for uses associated with the production of oil or gas; and (3) the Southern Division system sale, on a limited-term basis, of natural gas for resale for uses associated with the drilling of oil or gas wells, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant anticipates future requests for short-term direct gas service for such purposes as pumping, injection, pressure maintenance, equipment fuel, various lease and camp uses and emergency standby service. The Applicant states that such anticipated service is similar to the short-term service rendered in production areas under the said existing direct sale contracts submitted with the instant application. The application further states that Applicant anticipates future requests for both direct and resale gas service for use in drilling oil or gas wells.

The application further states that the Applicant will not install more than 25 separate sales facility installations, and their aggregate installed cost will not exceed \$42,500.

Applicant proposes that all new sales initiated on either a direct or resale basis consistent with the limited-term, budget-type authorizations requested be made, for the respective terms thereof, at a rate identical to that in effect under Rate Schedule X-1 of Applicant's FPC Gas Tariff, Original Volume No. 1, at the time such sale is commenced. In addition, with respect to drilling gas sales, made on either a direct or resale basis, which would be for a very short duration, customarily not exceeding 120 days, and to any other new sale of similar short duration, a purchaser would be required to pay a connection charge of \$500 and a \$5 daily facility charge unless, as to direct drilling gas sales made in the San Juan Basin, the \$500 charge is waived in those instances where the gas well completed is dedicated to Applicant.

Applicant states that it seeks the limited-term facility authorization requested in paragraph (1) in consideration of judicial determination made in the Florida Parishes case, Louisiana Public Service Commission, et al., v. Federal Power Commission, et al., 359 F. 2d 525 (5th Cir. 1966); cert. den. 385 U.S. 883 (1966).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10314; Filed Aug. 26, 1968;
8:47 a.m.]

[Docket No. CP69-31]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 20, 1968.

Take notice that on August 14, 1968, Natural Gas Pipeline Co., of America

(Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-31 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Phillips Petroleum Co. (Phillips) in Moore County, Tex., and Beaver County, Okla., and to construct and operate facilities to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to deliver to Phillips up to 25,000 Mcf of gas per day at an existing measuring station and point of interconnection of the gathering pipelines of Applicant and Phillips in Moore County, Tex., in exchange for the delivery by Phillips to Applicant of equivalent volumes of gas at a proposed point of interconnection of the lines of said two companies in Beaver County, Okla. Further, Applicant proposes to construct and operate a tap connection on its main transmission pipeline in Beaver County, Okla., to effectuate the subject exchange. The application states that no monetary compensation is provided for in connection with the subject exchange, the transaction being a straight gas for gas exchange.

Total estimated cost of the proposed facilities is \$6,600, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 18, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely failed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10315; Filed, Aug. 26, 1968;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4569]

CENTRAL & SOUTH WEST CORP.
ET AL.

Notice of Filing of Post-Effective Amendment Regarding Issue and Sale of Commercial Paper, and Notes to Holding Company and Acquisition Thereof by Holding Company

AUGUST 21, 1968.

In the matter of Central & South West Corp., 902 Market Street, Wilmington, Del. 19899; Central Power & Light Co., 120 North Chaparral Street, Corpus Christi, Tex. 78403; Public Service Co. of Oklahoma, 600 South Main Street, Tulsa, Okla. 74102; Southwestern Electric Power Co., 428 Travis Street, Shreveport, La. 71102; West Texas Utilities Co., 1062 North Third Street, Abilene, Tex. 79604.

Notice is hereby given that Central & South West Corp. ("Central"), a registered holding company, and four of its public-utility subsidiary companies, Central Power & Light Co. ("CP&L"), Public Service Co. of Oklahoma ("Public Service"), Southwestern Electric Power Co. ("Southwestern"), and West Texas Utilities Co. ("West Texas") (collectively referred to as "subsidiary companies") have filed with this Commission, pursuant to sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, and 50(a)(5)(B) promulgated thereunder, a post-effective amendment to their joint application-declaration in this matter. All interested persons are referred to the joint application-declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 26, 1968 (Holding Company Act Release No. 15954), this Commission authorized the issue and sale by Central to Lehman Commercial Paper, Inc. ("Lehman"), of commercial paper promissory notes in an aggregate principal amount not to exceed \$12 million at any one time outstanding, the issue and sale of such notes being limited to a period of 270 days following the date of the initial issue thereof (February 28, 1968), and the issue and sale by the subsidiary companies and the acquisition by Central of promissory notes in an aggregate principal amount not to exceed \$21 million at any one time outstanding.

Central now requests that the time within which it may issue and sell the commercial paper notes be extended to and including December 31, 1969, and that the aggregate principal amount of such notes which may be outstanding at any one time be increased to \$25 million. Central further requests that the previously granted exemption from the competitive bidding requirements of Rule 50 under the Act be extended to the pro-

posed sale of the additional commercial paper notes. The nonpublic list of 100 identified and designated customers of Lehman to whom the commercial paper notes are to be reoffered will be amended. In the post-effective amendment it is also proposed that the maximum amounts of advances by Central to the subsidiary companies (evidenced by promissory notes) be increased to \$11 million in respect of both CP&L and West Texas and \$20 million in respect of both Public Service and Southwestern, except that the aggregate of such note borrowings will not exceed \$35 million at any one time outstanding. Each promissory note issued by the subsidiary companies to Central will mature as agreed upon by the parties thereto but no such note will mature later than the final maturity date of Central's commercial paper notes. The proceeds from the sale of the notes will be used by the subsidiary companies to temporarily finance, in part, their construction programs, which are estimated to total \$126 million in 1969. In all other respects, the transactions as heretofore authorized and approved by order of the Commission remain unchanged.

Notice is further given that any interested person may, not later than September 9, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F.R. Doc. 68-10308; Filed, Aug. 26, 1968;
8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

Altamont Shirt Corp., Altamont, Tenn.; 6-18-68 to 6-17-69 (men's and boys' sport shirts, women's and girls' blouses).

Angelica Uniform Co., No. 22, Mountain View, Mo.; 7-16-68 to 7-15-69 (men's and women's work clothes).

Angelica Uniform Co., Summersville, Mo.; 6-19-68 to 6-18-69 (men's and women's work clothes).

Angelica Uniform Co., Winfield, Mo.; 6-11-68 to 6-10-69; 10 learners (men's outerwear coats).

Ashland Crafts, Inc., Ashland, Ky.; 8-8-68 to 8-7-69 (children's dresses).

Atlantic Sportswear Co., Rockland, Maine; 8-2-68 to 8-1-69; 10 learners (men's trousers and outerwear coats).

Bastian Manufacturing Corp., Bastian, Va.; 8-2-68 to 8-1-69 (men's and boys' knit shirts).

Bestform Foundations of Pa., Inc., Johnstown, Pa.; 8-3-68 to 8-2-69 (women's brasieres and girdles).

Blackville Manufacturing Corp., Blackville, S.C.; 7-29-68 to 7-28-69 (ladies' dresses and blouses).

Burlington Manufacturing Co., Chanute, Kans.; 7-17-68 to 7-16-69 (men's overalls).

Burlington Manufacturing Co., Pleasant Hill, Mo.; 7-17-68 to 7-16-69; 10 learners (men's work shirts).

Carolina Girls Wear, Inc., St. George, S.C.; 6-18-68 to 6-17-69 (children's dresses).

Cindy Frocks, Carbondale, Pa.; 7-29-68 to 7-28-69; 5 learners (children's dresses).

Clayburne Manufacturing Co., Inc., Clayton Ga.; 8-5-68 to 8-4-69 (men's sport shirts).

Cookeville Shirt Co., Watertown, Tenn.; 6-16-68 to 6-15-69 (ladies' blouses).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; 6-25-68 to 6-24-69 (children's dungarees and sportswear).

Dickson Manufacturing Co., No. 1, Dickson, Tenn.; 8-8-68 to 8-7-69 (men's work shirts).
 Dillon Manufacturing Co., Dillon, S.C.; 7-15-68 to 7-14-69 (ladies' dresses).
 Fashion Sportswear, Inc., Pittston, Pa.; 7-25-68 to 7-24-69; 10 learners (ladies' dresses).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6-25-68 to 6-24-69 (men's dress trousers).

The Foster Co., Greenville, Ala.; 8-4-68 to 8-3-69 (men's trousers and ladies' slacks).
 Freeland Dress Co., Inc., Freeland, Pa.; 6-21-68 to 6-20-69; five learners (girls' dresses).
 Freeland Manufacturing Co., Freeland, Pa.; 6-19-68 to 6-18-69 (men's and boys' outerwear jackets).

Garan, Inc., Clinton, Ky.; 8-9-68 to 8-8-69 (men's and boys' knit sport shirts).
 Guin Garment Corp., Guin, Ala.; 7-15-68 to 7-14-69 (boys' shirts).

Hartselle Manufacturing Co., Hartselle, Ala.; 7-26-68 to 7-25-69 (men's work pants).
 Hartselle Garment Corp., Hartselle, Tenn.; 7-26-68 to 7-25-69 (men's shirts and ladies' blouses).

The Hercules Trouser Co., Wellston, Ohio; 7-30-68 to 7-29-69 (men's and boys' pants).
 Hy-Grade Pants Co., Inc., Taylor, Pa.; 6-12-68 to 6-11-69 (men's trousers).

Irene Sportswear Co., Inc., Nicholson, Pa.; 7-16-68 to 7-15-69; 10 learners (ladies' blouses).

Iva Manufacturing Co., Inc., Iva, S.C.; 7-26-68 to 7-25-69; 10 learners (ladies' blouses).

Jamestown Manufacturing Corp., Jamestown, Tenn.; 8-6-68 to 8-5-69 (men's and boys' sport shirts, women's and girls' blouses).

Jester Kids Clothes, Inc., Tarpon Springs, Fla.; 8-1-68 to 7-31-69 (children's shirts).

Junior Form Lingerie Corp., Cairnbrook, Pa.; 7-30-68 to 7-29-69 (ladies' dresses and blouses).

Kellwood Co., Calhoun City, Miss.; 8-8-68 to 8-7-69 (boys' trousers).

Kellwood Co., Coffeeville, Miss.; 7-12-68 to 7-11-69 (boys' pants).

Knitwear Association, Inc., Aylentown, Pa.; 7-26-68 to 7-25-69; 10 learners (men's, boys', ladies', and girls' knitted shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; 6-24-68 to 6-23-69 (men's and boys' slacks).

Lakeland Manufacturing Co., Sheboygan, Wis.; 6-29-68 to 6-28-69 (men's and boys' outerwear jackets).

Lance Garment Corp., Red Bay, Ala.; 6-24-68 to 6-23-69 (boys' sport and dress shirts, ladies' blouses).

LaSalle Cutting & Manufacturing Co., Inc., Pittston, Pa.; 7-31-68 to 7-30-69; three learners (ladies' dresses).

Lee-Mar Shirt Co., Pulaski, Tenn.; 7-15-68 to 7-14-69 (boys' sport shirts).

Lillington Garment Co., Lillington, N.C.; 6-20-68 to 6-19-69 (men's sport shirts).

Louisburg Sportswear Co., Louisville, N.C.; 6-13-68 to 6-12-69 (men's and boys' shirts).

Louisiana Industrial Garment Manufacturing Corp., Gonzales, La.; 6-12-68 to 6-11-69 (men's dress and work pants).

Maxon Shirt Co., Greenville, S.C.; 7-27-68 to 7-26-69 (boys' dress and sport shirts, dress pants and outerwear jackets).

McMinnville Garment Co., McMinnville, Tenn.; 7-24-68 to 7-23-69 (men's and boys' trousers).

Metro Pants Manufacturing Co., Bridge-water, Va.; 7-13-68 to 7-12-69 (men's pants).

Monroe Industries, Inc., Tellico Plains, Tenn.; 6-15-68 to 6-14-69 (women's blouses).

Newport Manufacturing Co., Inc., Newport, N.C.; 7-12-68 to 7-11-69 (men's sport shirts).

Ozark Manufacturing Co., Inc., Ozark, Ala.; 7-29-68 to 7-28-69 (ladies' blouses).

Plantersville Sportswear, Inc., Plantersville, Miss.; 8-5-68 to 8-4-69 (men's dress slacks).

Princess Peggy, Inc., Peoria, Ill.; 7-9-68 to 7-8-69 (dresses).

Quality Manufacturing Co., Point Pleasant, W. Va.; 6-16-68 to 6-15-69; 10 learners (ladies' dresses).

RCM Enterprises, Inc., Baconton, Ga.; 7-31-68 to 7-30-69; 10 learners (ladies' and girls' blouses).

Rothley, Inc., Taylorville, Ill.; 7-26-68 to 7-25-69 (ladies' dresses).

Salant & Salant, Inc., Marked Tree, Ark.; 8-5-68 to 8-4-69 (children's woven pants).

Henry I. Siegel Co., Inc., Dickson, Tenn.; 8-1-68 to 7-31-69 (men's, boys', ladies' and girls' pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; 8-3-68 to 8-2-69 (men's and boys' pants).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6-13-68 to 6-12-69 (men's and boys' pants).

Somerville Manufacturing Co., Inc., Vivian, La.; 7-24-68 to 7-23-69 (men's slacks).

Sportswear Unlimited, Iva, S.C.; 7-25-68 to 7-24-69 (ladies' blouses and dresses).

Toby Manufacturing Co., Inc., Essex, Baltimore, Md.; 8-4-68 to 8-3-69 (men's work pants).

Traco Manufacturing Co., Waynesboro, Tenn.; 7-15-68 to 7-14-69 (work pants and shirts).

The Van Heusen Co., Hazen, Ark.; 8-1-68 to 7-31-69 (men's dress shirts).

Van Heusen, Barnesboro, Pa.; 6-26-68 to 6-25-69 (sport shirts).

Warren Shirt Co., Inc., Rock Island, Tenn.; 7-24-68 to 7-23-69 (boys' sport shirts and dress shirts).

Wildwood Clothing Co., Inc., Wildwood, N.J.; 8-1-68 to 7-31-69; 10 learners (men's slacks and ladies' sportswear).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; 6-20-68 to 6-19-69 (men's and boys' pants).

Wilson Shirt Co., Augusta, Ga.; 7-24-68 to 7-23-69 (men's and boys' shirts and pants).

Woodbury Manufacturing Co., Inc., Woodbury, Tenn.; 8-6-68 to 8-5-69 (men's and boys' shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Blanchard Shirt Co., Inc., Mountain View, Ark.; 6-13-68 to 12-12-68; 50 learners (men's dress shirts).

Hagale Garment Manufacturing Co., Republic, Mo.; 7-22-68 to 1-21-69; 40 learners (men's and boys' trousers).

Karalee, Inc., Sharpsburg, N.C.; 6-27-68 to 12-26-68; 10 learners (ladies' blouses and shifts).

Kellwood Co., Coffeeville, Miss.; 7-12-68 to 1-11-69; 40 learners (boys' pants).

Kellwood Co., Sunbright, Tenn.; 8-1-68 to 1-31-69; 20 learners (boys' sport shirts).

Oberman Manufacturing Co., division of Levi Strauss & Co., Memphis, Tenn.; 6-10-68 to 12-9-68 (men's and ladies' jeans).

Pecos Garment Co., Pecos, Tex.; 7-17-68 to 1-16-69; 25 learners (men's and boys' dungarees).

Ring Manufacturing Co., Gainesville, Fla.; 6-10-68 to 12-9-68; 10 learners (men's outerwear coats).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 6-13-68 to 12-12-68; 40 learners (children's pants).

Rothley, Inc., Decatur, Ill.; 7-31-68 to 1-30-69; 35 learners (ladies' dresses).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6-13-68 to 12-12-68; 60 learners (men's and boys' pants).

Van Realte Co., Inc., Blue Ridge, Ga.; 6-13-68 to 12-12-68; 10 learners (seamless).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 7-30-68 to 1-29-69; 20 learners (men's and boys' trousers).

Warren Shirt Co., Inc., Rock Island, Tenn.; 7-24-68 to 1-23-69; 60 learners (men's shirts).

Wilson Shirt Co., Augusta, Ga.; 7-24-68 to 1-23-69; 50 learners (men's and boys' shirts and pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6-15-68 to 6-14-69; 5 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind.; 7-30-68 to 7-29-69; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Houlika, Miss.; 7-30-68 to 7-29-69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Mountain City Glove Co., Inc., Shouns, Tenn.; 7-27-68 to 1-26-69; 10 learners for plant expansion purposes (work gloves).

D. N. Pariso Industrial Glove Manufacturing Co., Knox, Ind.; 7-16-68 to 1-15-69; 10 learners for plant expansion purposes (work gloves).

Piedmont Glove Manufacturing Co., Inc., Gaffney, S.C.; 6-14-68 to 6-13-69; 10 learners for normal labor turnover purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6-23-68 to 6-22-69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Oak Grove, La.; 8-3-68 to 8-2-69; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; 8-1-68 to 7-31-69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Virginia Maid Hosiery Mills, Inc., & Acme Hosiery Dye Works, Inc., Pulaski, Va.; 8-8-68 to 2-7-69; 25 learners for plant expansion purposes (seamless).

Virginia Maid Hosiery Mills, Inc., & Acme Hosiery Dye Works, Inc., Pulaski, Va.; 8-8-68 to 8-7-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended; and 29 CFR 522.30 to 522.35, as amended).

Chatham Knitting Mills, Inc., Chatham, Va.; 7-22-68 to 7-21-69; 5 learners for normal labor turnover purposes (outerwear sweaters and outerwear jackets).

Hazlehurst Manufacturing Co., Vidalia, Ga.; 8-2-68 to 8-1-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knitted underwear).

Hollandia Knitting Mills, Inc., Greensboro, N.C.; 7-17-68 to 7-16-69; 5 learners for normal labor turnover purposes (knitted fabric).

Junior Form Lingerie Corp., Boswell, Pa.; 8-2-68 to 8-1-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

J. E. Morgan Knitting Mills, Inc., Tamaqua, Pa.; 6-11-68 to 6-10-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; 6-24-68 to 6-23-69; 5 learners for normal labor turnover purposes (men's woven shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Adele Manufacturing Corp., Rio Grande, P.R.; 4-2-68 to 12-17-68; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (men's cotton shorts) (replacement certificate).

Alfredo Manufacturing Corp., Rio Grande, P.R.; 4-2-68 to 12-17-68; 19 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of \$1 an hour (men's cotton pajamas) (replacement certificate).

Ana Manufacturing Corp., Barranquitas, P.R.; 6-10-68 to 6-9-69; 37 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (women's underwear).

Bayuk International, Inc., Ciales, P.R.; 6-12-68 to 12-11-68; 22 learners for plant expansion purposes in the occupations of: (1) Sorting, sizing, tying, and grading, each for a learning period of 240 hours at the rate of \$1.05 an hour, and (2) inspecting, for a learning period of 160 hours at the rate of \$1.05 an hour (wrapper type tobacco).

Bayuk International, Inc., Ciales, P.R.; 6-12-68 to 4-30-69; 18 learners for normal labor turnover purposes in the occupations of: (1) Sorting, sizing, typing, and grading; each for a learning period of 240 hours at the rate of \$1.05 an hour; and (2) inspecting, for a learning period of 160 hours at the rate of \$1.05 an hour (wrapper type tobacco).

Bonita, Inc. (Swimwear Division), Cayey, P.R.; 4-2-68 to 8-31-68; 10 learners for normal labor turnover purposes in the occupations of machine stitching, final pressing, each for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (swimwear and brassieres for swimsuits) (replacement certificate).

Bonita, Inc., Cayey, P.R.; 4-2-68 to 8-31-68; 10 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour; and (2) pressing, for a learning period of 160 hours at the rate of \$1.13 an hour (skirts) (replacement certificate).

Caguas Tobacco & Processing Corp., Caguas, P.R.; 4-2-68 to 10-22-68; 15 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of \$1.23 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of \$1.05 an hour (tobacco) (replacement certificate).

Casa Savola, Inc., Lojas, P.R.; 4-2-68 to 10-19-68; 13 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (ladies' underwear) (replacement certificate).

Consolidated Cigar Corp. of Cayey, No. 22, Cayey, P.R.; 4-2-68 to 10-29-68; 113 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for

a learning period of 160 hours at the rate of \$1.23 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of \$1.05 an hour (tobacco) (replacement certificate).

Consolidated Cigar Corp. of Cayey, No. 21, Cayey, P.R.; 4-2-68 to 9-10-68; 105 learners for normal labor turnover purposes in the occupations of cigar making, packing, each for a learning period of 320 hours at the rates of \$1.23 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (cigars) (replacement certificate).

Consolidated Cigar Corp. of Cayey, No. 24, Cayey, P.R.; 6-1-68 to 4-30-69; 44 learners for normal labor turnover purposes in the occupations of sorting, sizing and tying, each for a learning period of 240 hours at the rate of \$1.05 an hour (tobacco) (replacement certificate).

Corozal Knitting Mills, Inc., Corozal, P.R.; 6-10-68 to 6-9-69; 22 learners for normal labor turnover purposes in the occupations of finger knitting, finger closing, each for a learning period of 320 hours at the rate of \$1.12 an hour (knitted gloves and mittens).

Diane Embroidery Corp., St. Just, P.R.; 6-1-68 to 5-31-69; five learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (embroidery on ladies' underwear).

Diane Embroidery Corp., St. Just, P.R.; 6-1-68 to 11-30-68; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (embroidery on ladies' underwear).

Economy Industries, Inc., Rio Grande, P.R.; 7-8-68 to 7-7-69; 12 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of \$1.13 an hour (ladies' and girls' blouses).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; 7-18-68 to 7-17-69; 41 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours; and (2) machine stitching—seaming, for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours (sweaters).

Finrico, Inc., Cayey, P.R.; 4-2-68 to 9-10-68; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (sweaters) (replacement certificate).

General Cigar of Utuado, S.A.; Utuado, P.R.; 4-2-68 to 2-16-69; 25 learners for normal labor turnover purposes in the occupations of cigar machine operating, cigar packing; each for a learning period of 320 hours at the rates of \$1.26 an hour for the first 160 hours and \$1.36 an hour for the remaining 160 hours (cigars) (replacement certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; 4-2-68 to 12-28-68; 15 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours; and (2) Machine stitching, pressing, hand sewing, each for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (men's shirts, ladies' dresses, skirts sweaters) (replacement certificate).

Goodyale Corp., Rio Grande, P.R.; 4-2-68 to 12-31-68; 5 learners for normal labor turnover purposes in the occupations of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (ladies' panties) (replacement certificate).

Guantes de Ponce, Inc., Ponce, P.R.; 4-2-68 to 10-8-68; 12 learners for normal labor turnover purposes in the occupation of machine stitching for a learning period of 480 hours at the rates of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (men's, ladies' and children's gloves) (replacement certificate).

Isabel Products, Inc., Santa Isabel, P.R.; 4-2-68 to 8-31-68; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.21 an hour (girdles and brassieres).

Isabela Segunda Corp., Vieques, P.R.; 4-2-68 to 11-20-68; 8 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (men's and boys' shorts) (replacement certificate).

Joya Mills, Inc., Toa Baja, P.R.; 4-2-68 to 8-27-68; 10 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours (full-fashioned knitted underwear).

La Torres Co., Inc., Albonita, P.R.; 6-10-68 to 6-9-69; 40 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (ladies' underwear).

Maria Mills, Inc., Las Marias, P.R.; 4-2-68 to 12-7-68; 19 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.06 an hour (men's and boys' jeans) (replacement certificate).

Mayaguez Contracting Corp., Mayaguez, P.R.; 6-3-68 to 6-2-69; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of \$1.21 an hour (girdles).

Mesana Dyeing & Finishing Inc., Quebradillas, P.R.; 4-2-68 to 8-20-68; 20 learners for plant expansion purposes in the occupations of: (1) Machine stitching, hand sewing, final pressing, each for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, each for a learning period of 240 hours at the rate of \$1.17 an hour (sweaters, skirts, dresses, and men's shirts).

Mesana Dyeing & Finishing Inc., Quebradillas, P.R.; 2-21-68 to 8-20-68; 20 learners for plant expansion purposes in the occupations of: (1) Machine stitching, hand sewing, final pressing; each for a learning period of 320 hours at the rate of 98 cents an hour for the first 160 hours and \$1.15 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, each for a learning period of 240 hours at the rate of 98 cents an hour (sweaters, skirts, dresses, and men's shirts).

Meyer & Son Manufacturing Co. of P.R., Inc., Cidra, P.R.; 4-29-68 to 4-28-69; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.06 an hour (Coveralls).

Midland Knitting Mills, Inc., San German, P.R.; 4-2-68 to 1-11-69; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours; and (2) Sewing machine operating, for a learning period of 320 hours at the rate of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (ladies' sweaters) (replacement certificate).

Moca Mills, Inc., Moca, P.R.; 4-2-68 to 12-17-68; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320

hours at the rate of \$1 an hour (men's and boys' briefs) (replacement certificate).

Northridge Knitting Mills, Inc., San German, P.R.; 4-2-68 to 1-11-69; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours; and (2) sewing machine operating, for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (ladies' sweaters) (replacement certificate).

Perfect Bra Co. of P.R., Inc., No. 1, Caguas, P.R.; 4-2-68 to 10-8-68; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.21 an hour (brassieres) (replacement certificate).

PL Manufacturing Co., Inc., Rio Grande, P.R.; 7-3-68 to 1-2-69; 57 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (men's and boys' dress shirts and woven sport shirts).

Plata Gloves, Inc., Cayey, P.R.; 4-2-68 to 12-28-68; 11 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

Puerto Rico Knitting Mills, Inc., Corozal, P.R.; 6-28-68 to 6-27-69; five learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 320 hours at the rate of \$1.12 an hour (gloves).

Puritan Caribbean, Inc., Cidra, P.R.; 7-18-68 to 7-17-69; 19 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours (full-fashioned sweaters and shirts).

Puritana Manufacturing Co., Aguas Buenas, P.R.; 4-2-68 to 10-19-68; 26 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

R.J. & D. Corp., Aguirre, P.R.; 6-26-68 to 12-25-68; 25 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (ladies' and men's dress leather gloves).

Ricardo Corp., Hormigueros, P.R.; 3-9-68 to 3-8-69; 20 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and \$1.03 an hour for the remaining 240 hours (ladies' leather and fabric dress gloves).

Ricardo Corp., Hormigueros, P.R.; 4-2-68 to 3-8-69; 20 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (ladies' leather and fabric dress gloves) (replacement certificate).

Rico Glove, a division of Fownes Bros. & Co., Cayey, P.R.; 4-2-68 to 11-27-68; six learners for normal labor turnover purposes in the

occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Rio Monte Manufacturing Corp., Rio Grande, P.R.; 4-2-68 to 12-17-68; five learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (men's cotton pajamas) (replacement certificate).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; 4-2-68 to 11-16-68; 11 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of \$1 an hour (men's cotton shorts) (replacement certificate).

Rosita Mills, Inc., Toa Baja, P.R.; 4-2-68 to 8-27-68; 10 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours (full-fashioned knitted sweaters).

R. B. Tobacco Corp., Caguas, P.R.; 4-2-68 to 10-26-68; 22 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of \$1.23 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of \$1.05 an hour (tobacco) (replacement certificate).

Salinas Manufacturing Corp., Salinas, P.R.; 4-2-68 to 9-3-68; 42 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (ladies' nightwear).

Salinas Manufacturing Corp., Salinas, P.R.; 3-4-68 to 9-3-68; 42 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (ladies' nightwear).

Sira Corp., Mayaguez, P.R.; 4-2-68 to 8-20-68; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rate of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (gloves) (replacement certificate).

Tejidos Co., Inc., Aibonito, P.R.; 4-2-68 to 8-14-68; 240 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (women's and children's underwear).

Van Heusen de Puerto Rico, Aguadilla, P.R.; 4-2-68 to 2-19-69; 19 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (dress shirts) (replacement certificate).

Wendy Textile Mills, Inc., Quebradillas, P.R.; 4-2-68 to 12-28-68; five learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.34 an hour for the remaining 240 hours; and (2) machine stitching, for a learning period of 320 hours at the rates of \$1.17 an hour for the first 160 hours and \$1.34 an hour for the remaining 160 hours (knitting of sweaters, men's shirts, and dresses).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not

available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 16th day of August 1968.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 68-10307; Filed, Aug. 26, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 675]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 21, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 81 TA), filed August 16, 1968. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Meridian, Miss., and Waynesboro, Miss., over U.S. Highway 45, serving all intermediate points, for 180 days. Note: Applicant proposes to tack the authority applied for to other authority held by it in MC-3009 and subs thereto. Supporting shippers: There are approxi-

mately (12) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 26088 (Sub-No. 17 TA), filed August 19, 1968. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Post Office Box 68, High, Allendale, S.C. 29810. Applicant's representative: William Addams, Room 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Brick and clay tile*, from Augusta, Ga., to points in North Carolina, for 180 days. Supporting shipper: Merry Brothers Brick and Tile Co., Post Office Box 1474, Augusta, Ga. 30903. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601 Sumter Street, Columbia, S.C. 29201.

No. MC 57315 (Sub-No. 12 TA), filed August 16, 1968. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from East Hartford, Conn., to Salem and Chelsea, Mass., Manchester, Nashua, and Salem, N.H., and Portland, Maine, for 180 days. Supporting shipper: Hartford Freezer Corp., 241 Park Avenue, East Hartford, Conn. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221-B, J. F. K. Federal Building, Boston, Mass. 02203.

No. MC 103721 (Sub-No. 18 TA), filed August 19, 1968. Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ores, in dump vehicles*, from Port Newark, N.J., to points in Bucks County, Pa., for 180 days. Supporting shipper: Hyzer & Lewellen, Box No. 155, Southampton, Pa. 18966. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 103993 (Sub-No. 332 TA), filed August 16, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings in sections*, mounted on wheeled undercarriages with hitchball connector, from points in

Vilas County, Wis., to points in Indiana, Michigan, Iowa, Illinois, Kansas, and Montana, for 180 days. Supporting shipper: Four Seasons Structures, division of C. M. Christiansen Co., Post Office Box 7, Phelps, Vilas County, Wis. 54554. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106298 (Sub-No. 8 TA), filed August 19, 1968. Applicant: BEN BLINDER, doing business as TRI-STATE TRANSPORTATION CO., 2690 Prior Avenue North, St. Paul, Minn. 55113. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving Mitchell, S. Dak., as an intermediate point on its Sioux City-Pierre, S. Dak., authorized route for purposes of joinder only, this authority would permit operations between Sioux Falls and Huron, S. Dak., through the Mitchell gateway, for 180 days. Note: Applicant intends to tack MC-106298, general commodities, Sioux Falls-Mitchell, S. Dak. supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 269 TA), filed August 16, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material, moving therewith*, (a) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, Arkansas, and Memphis, Tenn., (b) between points in Hillsboro County, N.H., on the one hand, and, on the other, Washington, D.C.; Springfield and Reston, Va., (2) *engineering drafts*, between points in Hillsboro County, N.H., on the one hand, and, on the other, Washington, D.C.; Springfield and Reston, Va., (3) *profits, cuts, copy, artwork and materials related thereto*, used in preparing advertising, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, (a) between Fort Wayne, Ind., on the one hand, and, on the other, Louisville, Ky.; Pittsburgh, Pa.; Buffalo and Rochester, N.Y.; Chicago, Ill.; Milwaukee, Wis.; and points in Ohio and Michigan, (b) having an

immediately prior or subsequent movement by air, between points in (1) Alabama; (2) points in Arkansas; (3) points in Connecticut; (4) points in Delaware; (5) points in Florida; (6) points in Georgia; (7) points in Illinois; (8) points in Iowa; (9) points in Kansas; (10) points in Kentucky; (11) points in Louisiana; (12) points in Maine; (13) points in Maryland; (14) points in Massachusetts; (15) points in Minnesota; (16) points in Mississippi; (17) points in Missouri; (18) points in Nebraska; (19) points in New Hampshire; (20) points in New Jersey; (21) points in New York; (22) points in North Carolina; (23) points in North Dakota; (24) points in Oklahoma; (25) points in Pennsylvania; (26) points in Rhode Island; (27) points in South Dakota; (28) points in Tennessee; (29) points in Texas; (30) points in Virginia; (31) points in West Virginia; (32) points in Wisconsin; and (33) points in Washington, D.C., commercial zone, for 180 days. Supporting shippers: J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019; Sanders Associates, Inc., 95 Canal Street, Nashua, N.H. 03060; Bonsib Advertising, 927 South Harrison Street, Fort Wayne, Ind. 46802. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1807, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128375 (Sub-No. 22 TA), filed August 16, 1968. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 15th and Main, Crete, Nebr. 68333. Applicant's representative: Dwane Acklie, 521 South 14th, Lincoln, Nebr. 68508. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *sewing machines, sprayers and spray equipment, metal tanks, and automobile parts, materials and supplies, and equipment, materials and supplies utilized in their manufacture*, between Red Oak, Iowa, on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul, and Minneapolis, Minn., Baltimore, Md., Ravenswood, W. Va., and Norfolk, Va.; (2) *bomb parts (nonexplosive) and equipment, materials and supplies utilized in their manufacture*, between Columbus, Ga., on the one hand, and on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul and Minneapolis, Minn., Baltimore, Md., Ravenswood, W. Va., and Norfolk, Va.; (3) *automobile parts, materials and supplies and equipment, materials, and supplies utilized in their manufacture*: (a) between Columbus, Nebr.; Marianna, Ark.; Columbus, Tucker, Newnan, and Carroll-

ton, Ga.; Cleveland, Miss.; and Detroit, Mich., on the one hand, and, on the other, points in Florida (except Daytona Beach), Arkansas (except Fort Smith and West Helena), Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey (except Newark and points in its commercial zone), Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul and Minneapolis, Minn., and Norfolk, Va.; (b) between Memphis, Tenn., on the one hand, and, on the other, points in Illinois, Michigan (except Detroit and Pontiac), Indiana, Ohio, Pennsylvania (except Pittsburgh), Florida (except Daytona Beach), Arkansas (except Marianna), Wisconsin, Georgia, (except Columbus, Tucker, Newnan, and Carrollton), Alabama, Kentucky, Louisiana, Mississippi (except Cleveland), New York, New Jersey, Iowa (except Red Oak), Nebraska (except Columbus), Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul and Minneapolis, Minn.; Baltimore, Md.; Ravenswood, W. Va.; and Norfolk, Va.; (c) between Atlanta and Adel, Ga., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C.; St. Paul and Minneapolis, Minn.; Baltimore, Md.; Ravenswood, W. Va., and Norfolk, Va., for 180 days. NOTE: Authority does intend to tack with its existing authority. Supporting shipper: Douglas & Lomason Co., Detroit, Mich. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129415 (Sub-No. 4 TA), filed August 19, 1968. Applicant: OVERLAND TRANSPORTATION, INC., 325 South Virginia Street, Post Office Box 157, Liberal, Kans. 67901. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Holcomb and Tice, Kans., to points in Colorado, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Western Alfalfa Corp., 300 Kansas City, Board of Trade Building, 4800 Main Street, Kansas City, Mo. 64112. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 133092 TA, filed August 16, 1968. Applicant: DOY REIDHEAD, Post Office Box 364, Show Low, Ariz. 85901. Applicant's representative: Dennis I. Davis, Post Office Box 686, Show Low, Ariz. 85901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Show Low and Nutrioso, Ariz., to points in New Mexico, Texas, Oklahoma, and California, for 180 days. Supporting shipper:

Reidhead Lumber Co., Inc., Show Low, Ariz. 85901. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133096 TA, filed August 19, 1968. Applicant: HOMER OGLE, JR., doing business as OGLE'S TRANSFER SERVICE, Post Office Box 97, Yakutat, Alaska 99689. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and bulk commodities), between all points accessible by highway contiguous to Yakutat, Alaska, including Yakutat, for 180 days. NOTE: Applicant intends to interline with FMC water carriers at Yakutat, Alaska. Supporting shippers: Marine Foods Packing Co., Yakutat, Alaska 99689; Jim Page, Yakutat, Alaska 99689; Ray's Chevron Service & Garage, Yakutat, Alaska 99689; John F. Crediford, Yakutat, Alaska 99689. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10326; Filed, Aug. 26, 1968;
8:48 a.m.]

[Notice 676]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 22, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 92273 (Sub-No. 5 TA), filed August 19, 1968. Applicant: JOE SAIA, 2630 Fifth Street, Sacramento, Calif. 95818. Applicant's representative: Joe Saia (same address as above). Author-

ity sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, uncrated household goods and personal effects, livestock, liquids, compressed gases, and commodities needing special equipment), between Sacramento, Calif., and the junction of Nevada Highway 28 with U.S. Highway 50 near Glenbrook, Nev.; (1) from Sacramento over U.S. Highway 40 through Auburn, Calif., to Truckee, Calif., serving all intermediate points between the areas commonly known as Bowman, Calif., and Truckee, Calif., and all points within 5 air miles of either side of U.S. Highway 40 between Bowman and Truckee and from the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif., serving all intermediate points, and points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., and the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif.; also from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 28 and Nevada Highway 28 to the junction of Nevada Highway 28 with U.S. Highway 59 near Glenbrook, Nev., and thence along U.S. Highway 50 along the eastern shore of Lake Tahoe to the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., serving all intermediate points and points within 5 air miles of either side of California Highway 28, Nevada Highway 28, and U.S. Highway 50, between the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., and the junction of U.S. Highway 59 with California Highway 89 near Al Tahoe, Calif., and return over the same routes or over U.S. Highway 50 to Sacramento, Calif.; (2) from Sacramento over U.S. Highway 50 through Placerville and the area commonly known as Stateline to the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., serving all intermediate points, and points within 5 air miles of either side of U.S. Highway 50, between the area commonly known as Fresh Pond, Calif., and the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev.; thence from the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., over Nevada Highway 28 and California Highway 28 to the junction of California Highway 28 with California Highway 89 near Tahoe City, Calif., and thence from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 89 to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and points within 5 air miles of either side of Nevada Highway 28, California Highway 28 and California Highway 89, between the junction

of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., and the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif.; also from the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., and the junction of California Highway 89 with U.S. Highway 40, near Truckee, Calif.; and return over the same routes or over U.S. Highway 40 to Sacramento, Calif.; also over unnumbered highway between Truckee, Calif., and Kings Beach, Calif., and 5 air miles on either side and all intermediate points, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 124078 (Sub-No. 339 TA), filed August 8, 1968. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement mix*, from the plantsite of Quikrete-Handi Crete Co., a division of Packaged Cement Products Co., at or near Lithonia, Ga., to points in Alabama, South Carolina, and Tennessee, for 150 days. NOTE: The purpose of this amendment is to specifically name the plantsite of the supporting shipper. Supporting shipper: Quikrete-Handi Crete Co., division of Packaged Cement Products Co., 2250 Stephenson Road, Post Office Box 348, Lithonia, Ga. 30058, James E. Lehner, manager, operations and sales. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127833 (Sub-No. 6 TA), filed August 15, 1968. Applicant: T. L. MYDLAND TRUCK LINES, INC., 928 Bridge City Avenue, Bridge City, La. 70094. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Flavoring syrup*, in containers, from New Orleans, La., to Belzoni, Biloxi, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Ocean Springs, Philadelphia, Picayune,

Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala.; and *empty containers and reject shipments of flavoring syrup*, from the immediately above-specified destination points to New Orleans, La. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with the Coca Cola Co. (2) *Flavoring compounds, bottler's flavoring compounds, beverage preparations, and beverages, flavored and phosphated*, except those in bulk, in tank vehicles, and *glass tumblers and bung closures*, from New Orleans, La., to Belzoni, Biloxi, Ocean Springs, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., with no transporting for compensation on return, except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Coca Cola Company of Atlanta, Ga. (3) *Liquid flavoring syrup*, in bulk, in shipper-owned tank vehicles, from New Orleans, La., to Belzoni, Biloxi, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Ocean Springs, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Coca Cola Co. of Atlanta, Ga., for 180 days. Supporting shipper: Coca-Cola USA, division of the Cola Co., New Orleans, La. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10327; Filed, Aug. 26, 1968;
8:48 a.m.]

[Notice 197]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70697. By order of August 15, 1968, the Transfer Board approved the transfer to Dearborn's Moving & Storage Co., Inc., Exeter, N.H., a portion of certificate No. MC-30508, issued October 28, 1960, to Dearborn's Motor Express, Inc., Exeter, N.H., authorizing the transportation of: Household goods, between points in Rockingham and Stafford Counties, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-70699. By order of August 15, 1968, the Transfer Board approved the transfer to John B. Rhea, doing business as Dick's Moving & Transfer, South Bend, Ind., of the operating rights in certificate No. MC-60719 issued June 4, 1943, to Richard B. Brimmer, doing business as Dick's Moving & Transfer, South Bend, Ind., authorizing the transportation of household goods, between South Bend, Ind., and points within 50 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, Ohio, and Wisconsin. Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614, registered practitioner, Richard Bonowitz, 811 JMS Building, South Bend, Ind. 46601, representative and attorney for applicants.

No. MC-FC-70711. By order of August 15, 1968, the Transfer Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind., of the operating rights in certificate No. MC-32990 issued January 13, 1941, to Adolph Lewis, Cairo, Ill., authorizing the transportation, over irregular routes, or livestock, lumber, and grain from Cairo, Ill., to points in Kentucky on and west of U.S. Highway 45; diving equipment between Cairo, Ill., on the one hand, and, on the other, points in Kentucky on and west of U.S. Highway 45; and household goods between Cairo, Ill., and points in Illinois within 50 miles of Cairo, on the one hand, and, on the other, points in Missouri, Kentucky, and Tennessee. Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10328; Filed, Aug. 26, 1968;
8:48 a.m.]

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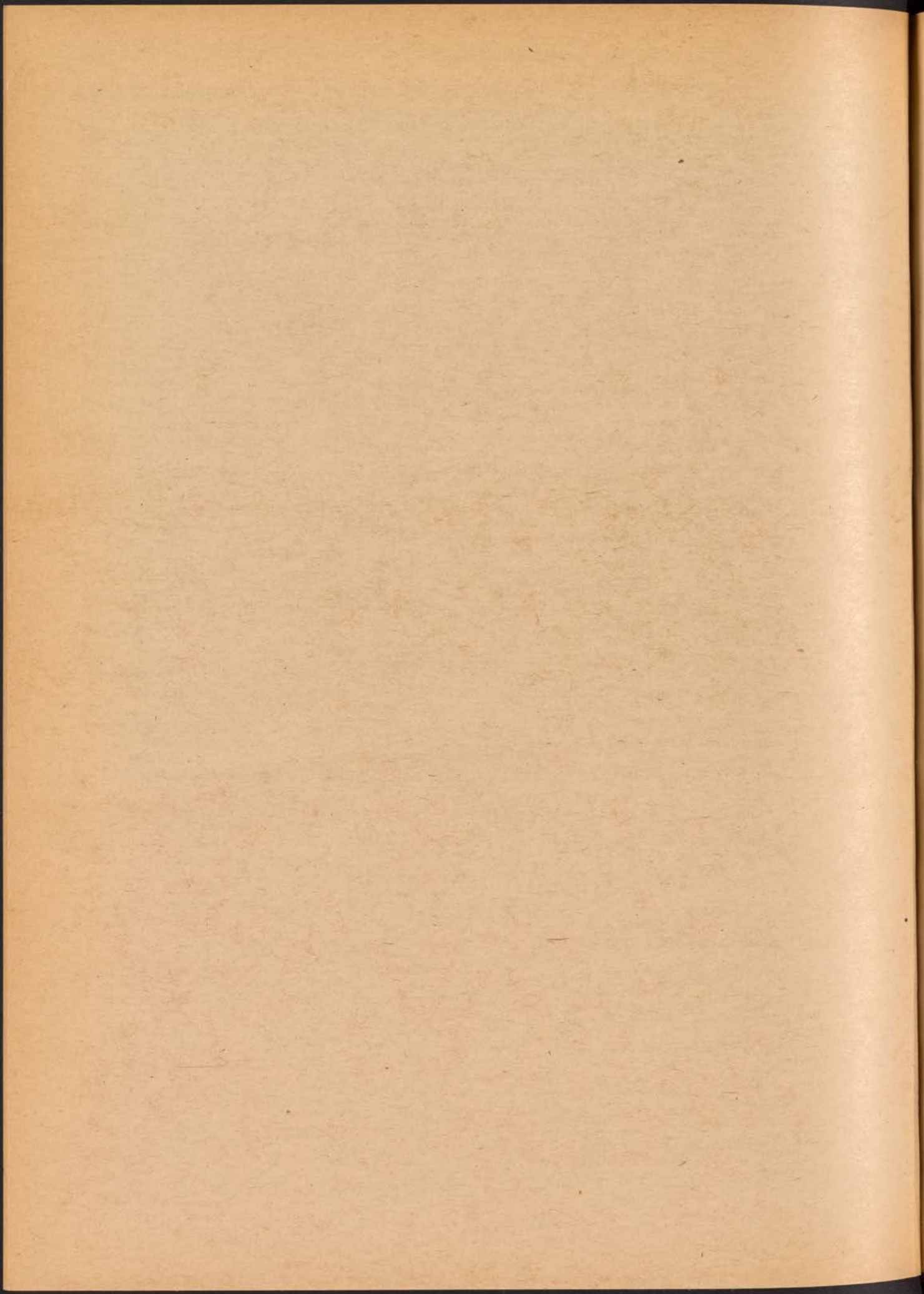
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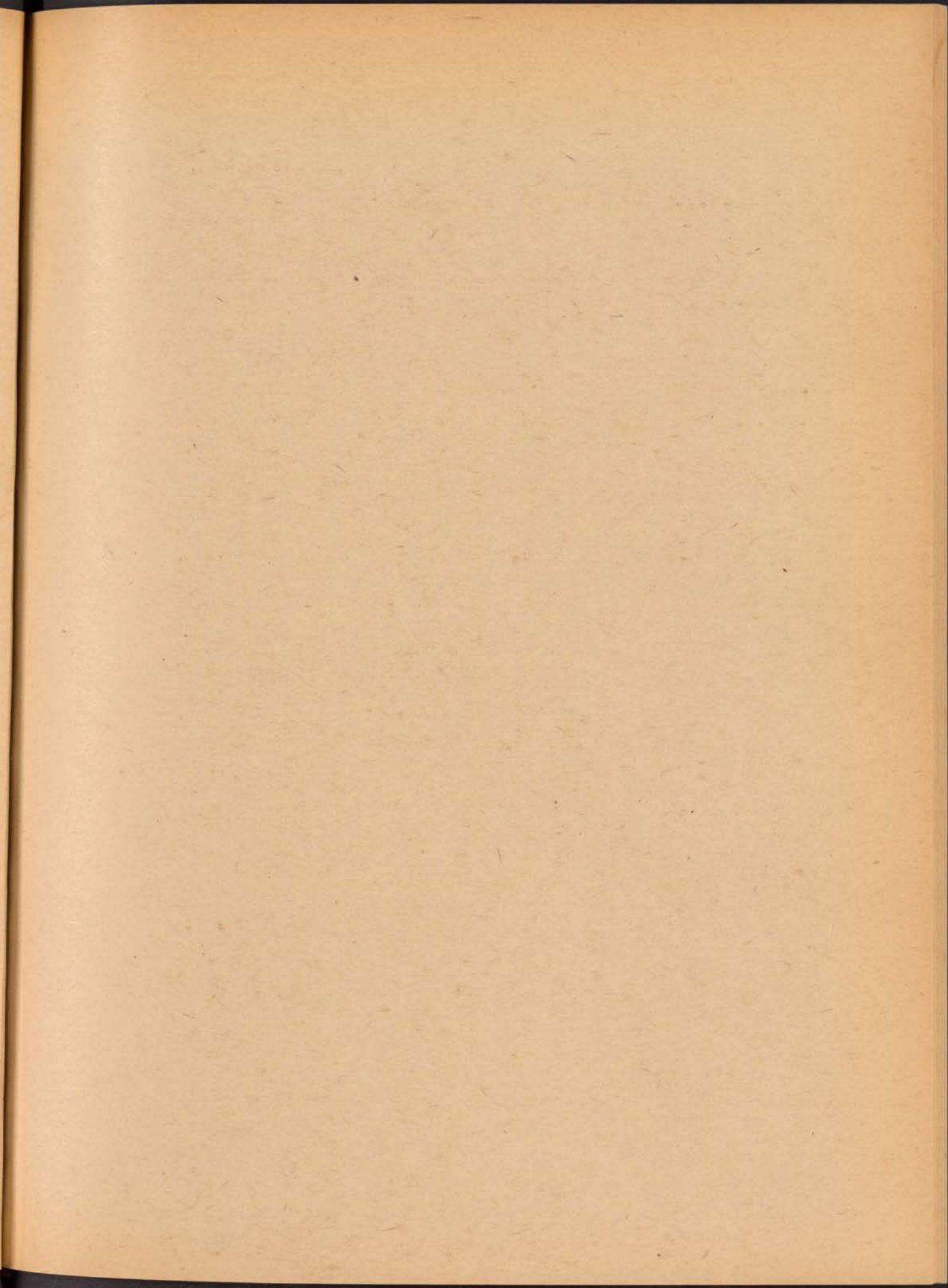
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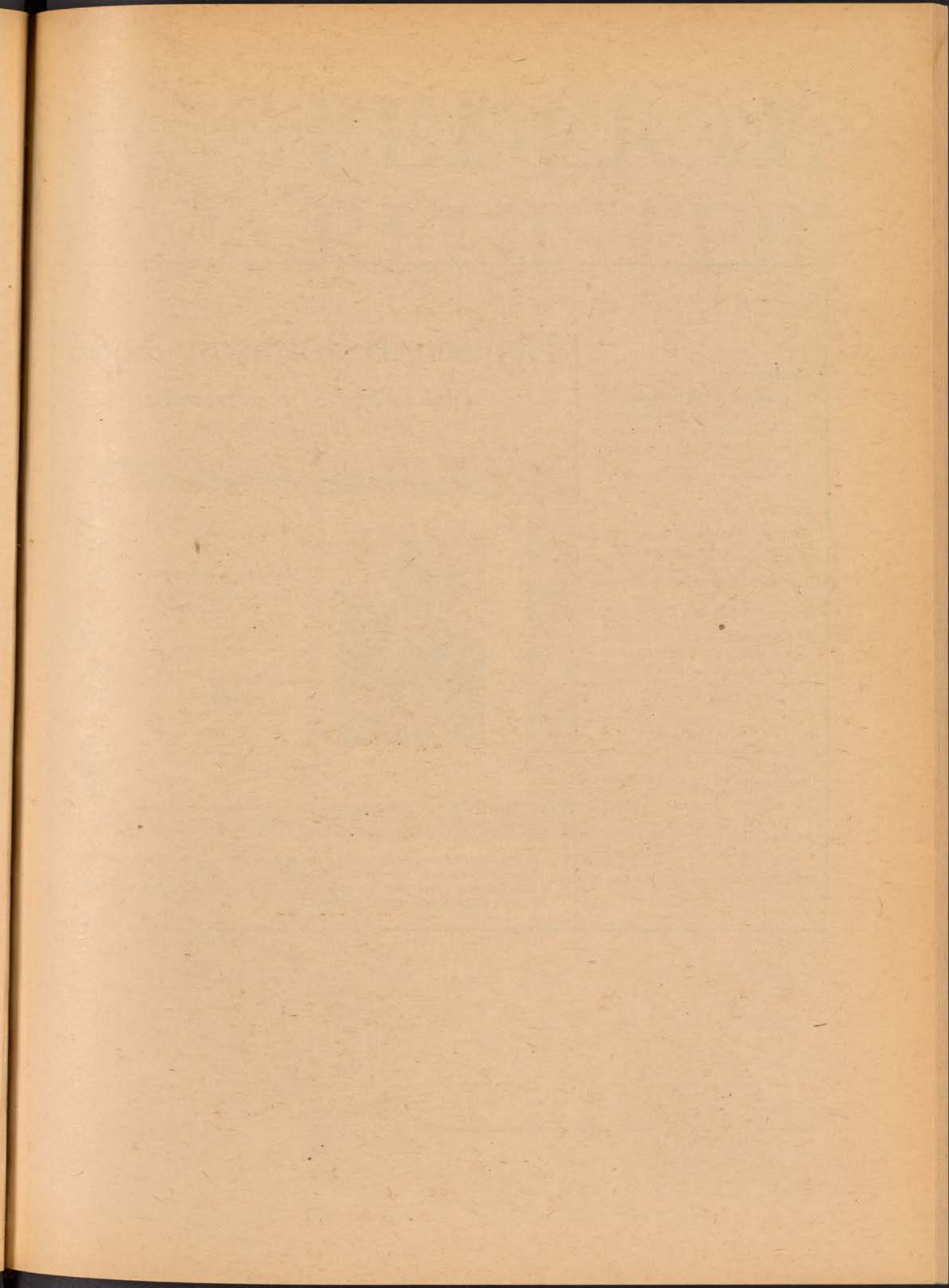
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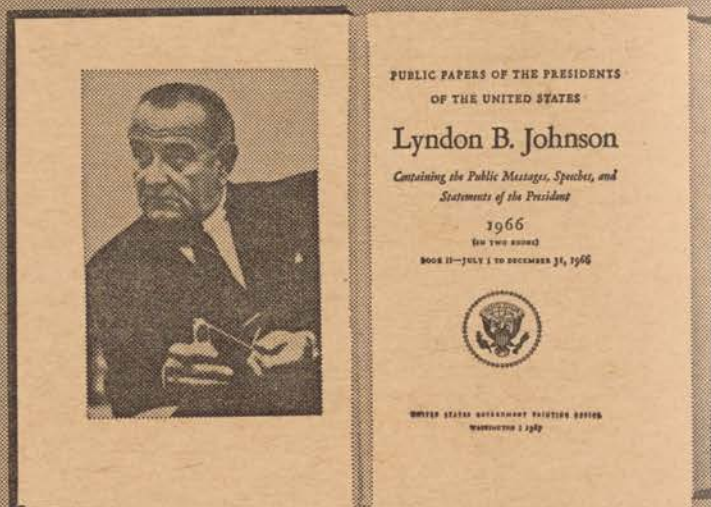
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Lyndon B. Johnson – 1966

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